

Extra Ordinary Part - VI / 2020

Extra No.	Date	Department
Extra No.1	03-03-2020	Legislative & Parliamentary Affairs Department
Extra No.2	03-03-2020	Legislative & Parliamentary Affairs Department
Extra No.3	05-03-2020	Legislative & Parliamentary Affairs Department
Extra No.4	05-03-2020	Legislative & Parliamentary Affairs Department
Extra No.5	13-03-2020	Legislative & Parliamentary Affairs Department
Extra No.6	13-03-2020	Legislative & Parliamentary Affairs Department
Extra No.7	13-03-2020	Legislative & Parliamentary Affairs Department
Extra No.8	13-03-2020	Legislative & Parliamentary Affairs Department
Extra No.9	13-03-2020	Legislative & Parliamentary Affairs Department
Extra No.10	13-03-2020	Legislative & Parliamentary Affairs Department
Extra No.11	13-03-2020	Legislative & Parliamentary Affairs Department
Extra No.12	13-03-2020	Legislative & Parliamentary Affairs Department
Extra No.13	13-03-2020	Legislative & Parliamentary Affairs Department



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

TUESDAY, MARCH 3, 2020/ PHALGUNA 13, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 3rd March, 2020.

No.RPB/Act-38/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 3rd December, 2019, Aghrahaayan 12, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 29th November, 2019 is hereby published for general information :-

THE NATIONAL INSTITUTE OF DESIGN (AMENDMENT) ACT, 2019

[ACT NO. 38 of 2019]

AN

[29th November, 2019]

ACT

to amend the National Institute of Design Act, 2014.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the National Institute of Design Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

18 of 2014.

2. In the National Institute of Design Act, 2014 (hereinafter referred as the principal Act), in the long title, for the words “the institution known as the National Institute of Design, Ahmedabad, to be an institution of national importance”, the words “certain institutions of design to be institutions of national importance” shall be substituted.

Amendment
of long title.

Amendment
of section 1.

3. In section 1 of the principal Act, in sub-section (1), for the word "Institute", the word "Institutes" shall be substituted.

Substitution of
section 2.

4. For section 2 of the principal Act, the following section shall be substituted, namely:—

Declaration of
certain
institutions as
institutions of
national
importance.

"2. Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance."

Amendment
of section 3.

5. In section 3 of the principal Act,—

(i) for clause (d), the following clause shall be substituted, namely:—

'(d) "Director", in relation to any Institute, means the Director of such Institute as appointed under section 18;';

(ii) for clause (e), the following clause shall be substituted, namely:—

'(e) "Fund", in relation to any Institute, means the Fund of such Institute as maintained under section 23;';

(iii) for clause (f), the following clause shall be substituted, namely:—

'(f) "Governing Council", in relation to any Institute, means the Governing Council of such Institute as constituted under section 11;';

(iv) for clause (g), the following clause shall be substituted, namely:—

'(g) "Institute" means any of the institutions mentioned in column (4) of the Schedule;';

(v) for clause (h), the following clause shall be substituted, namely:—

'(h) "Institute campus" means the campus of an Institute as may be established by such Institute at any place within India or outside India;';

(vi) for clause (k), the following clause shall be substituted, namely:—

'(k) "Registrar", in relation to any Institute, means the Registrar of such Institute as appointed under section 20;';

(vii) after clause (k), the following clause shall be inserted, namely:—

'(ka) "Schedule" means the Schedule annexed to this Act;';

(viii) for clause (l), the following clause shall be substituted, namely:—

'(l) "Senate", in relation to any Institute, means the Senate of such Institute;';

(ix) for clause (m), the following clause shall be substituted, namely:—

'(m) "Society" means any of the societies registered under the Societies Registration Act, 1860, and mentioned in column (3) of the Schedule;';

21 of 1860.

(x) for clause (n), the following clause shall be substituted, namely:—

'(n) "Statutes" and "Ordinances", in relation to any Institute, mean the Statutes and the Ordinances of such Institute made under this Act.'

Substitution of
section 4.

6. For section 4 of the principal Act, the following section shall be substituted, namely:—

Incorporation
of Institute.

"4. (1) Each Institute shall be a body corporate by the same name as mentioned in column (4) of the Schedule.

(2) Each Institute shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The body corporate constituting each Institute shall consist of a Chairperson, Director and other members of the Governing Council for the time being, of the Institute.

(4) Any Institute may establish an Institute campus at such place within India or outside India, as it may deem fit:

Provided that each campus of the National Institute of Design, Ahmedabad, established before the commencement of this Act, at Bengaluru in the State of Karnataka and at Gandhinagar in the State of Gujarat, shall be deemed to be the Institute campus thereof.

Explanation.—The reference in this sub-section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.”

7. In section 5 of the principal Act,—

Amendment
of section 5.

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) any reference to the Society mentioned in column (3) of the Schedule in any law or in any contract or other instrument shall be deemed as a reference to the corresponding Institute mentioned in column (4) thereof;”;

(ii) in clause (e), the words “located at Bengaluru in the State of Karnataka and at Gandhinagar in the State of Gujarat,” shall be omitted;

(iii) the following *Explanations* shall be inserted, namely:—

“*Explanation I.*—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

“*Explanation II.*—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”.

8. In section 6 of the principal Act, in sub-section (1), for the words “the Institute shall”, the words “each Institute shall” shall be substituted. Amendment of section 6.

9. In section 7 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted. Amendment of section 7.

10. In section 8 of the principal Act, for the words “teaching at the Institute”, the words “teaching at each of the Institutes” shall be substituted. Amendment of section 8.

11. In section 9 of the principal Act, in sub-section (1), for the words “the Institute”, the words “each of the Institutes” shall be substituted. Amendment of section 9.

12. In section 10 of the principal Act, for the words “The following shall be the authorities of the Institute”, the words “Each Institute shall have the following authorities” shall be substituted. Amendment of section 10.

13. In section 11 of the principal Act, for the words “The Governing Council shall consist of”, the words “The Governing Council of every Institute shall consist of” shall be substituted. Amendment of section 11.

Amendment
of section 15.

14. In section 15 of the principal Act, for the words "The Senate of the Institute", the words "The Senate of each Institute" shall be substituted.

Amendment
of section 16.

15. In section 16 of the principal Act, for the words "the Senate of the Institute", the words "the Senate of an Institute" shall be substituted.

Amendment
of section 18.

16. In section 18 of the principal Act, in sub-section (1), for the words "the Institute", the words "each of the Institutes" shall be substituted.

Amendment
of section 20.

17. In section 20 of the principal Act, in sub-section (1), for the words "Registrar of the Institute", the words "Registrar of each Institute" shall be substituted.

Amendment
of section 22.

18. In section 22 of the principal Act, for the words "enabling the Institute", the words "enabling an Institute" shall be substituted.

Amendment
of section 23.

19. In section 23 of the principal Act, in sub-section (1), for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment
of section 24.

20. In section 24 of the principal Act, for the words "the Institute", the words "any Institute" shall be substituted.

Amendment
of section 25.

21. In section 25 of the principal Act, in sub-section (1), for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment
of section 26.

22. In section 26 of the principal Act, in sub-section (1), for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment
of section 27.

23. In section 27 of the principal Act,—

(i) in the opening portion, for the words "the Institute", the words "an Institute" shall be substituted;

(ii) in clause (a), for the words "Senior Designer", at both the places where they occur, the words "Principal Designer" shall be substituted.

Amendment
of section 29.

24. In section 29 of the principal Act, in sub-section (1), for the words "the Institute", the words "each Institute" shall be substituted.

Amendment
of section 30.

25. In section 30 of the principal Act, for the words "Ordinances of the Institute", the words "Ordinances of each Institute" shall be substituted.

Amendment
of section 32.

26. In section 32 of the principal Act, in sub-section (1), for the words "between the Institute", the words "between an Institute" shall be substituted.

Amendment
of section 33.

27. In section 33 of the principal Act, for the words "the Institute", the words "any Institute" shall be substituted.

Amendment
of section 34.

28. In section 34 of the principal Act, for the words "the Institute receives", the words "an Institute receives" shall be substituted.

Amendment
of section 35.

29. In section 35 of the principal Act, for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment
of section 36.

30. In section 36 of the principal Act, for the words "to the Institute", the words "to any Institute" shall be substituted.

Amendment
of section 37.

31. In section 37 of the principal Act, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment
of section 39.

32. In section 39 of the principal Act,—

(i) in clause (a), for the words "Governing Council of the Institute", the words "Governing Council of an Institute" shall be substituted;

(ii) in clause (c), the words “located at Bengaluru or Gandhinagar, as the case may be” shall be omitted;

(iii) the following *Explanations* shall be inserted, namely:—

“*Explanation I.*—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

Explanation II.—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”

33. In section 40 of the principal Act, after sub-section (3), the following *Explanations* shall be inserted, namely:— Amendment of section 40.

“*Explanation I.*—The reference in this section to the commencement of this Act shall, in relation to the National Institute of Design, Ahmedabad, be deemed to be the 16th day of September, 2014.

Explanation II.—The reference in this section to the commencement of this Act shall, in relation to the National Institutes of Design in the States of Madhya Pradesh, Assam, Haryana and Andhra Pradesh, be construed as the reference to the date on which the provisions of the National Institute of Design (Amendment) Act, 2019 comes into force.”

34. After section 41 of the principal Act, the following Schedule shall be inserted, Insertion of a new Schedule.
namely:—

“THE SCHEDULE

[See sections 2, 3(g), (ka), (m), 4 (I) and 5 (a)]

Sl. No.	Name of the State	Name of the Society	Name of the institutions incorporated under this Act
(1)	(2)	(3)	(4)
1.	Gujarat	The National Institute of Design, Ahmedabad, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Ahmedabad
2.	Madhya Pradesh	The National Institute of Design, Bhopal, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Madhya Pradesh
3.	Assam	The National Institute of Design, Jorhat, Assam, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Assam
4.	Haryana	The National Institute of Design, Kurukshetra, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Haryana

(1)	(2)	(3)	(4)
5.	Andhra Pradesh	The National Institute of Design, Andhra Pradesh, a Society registered under the Societies Registration Act, 1860.	National Institute of Design, Andhra Pradesh."

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

K. M. LALA,
Secretary to Government.



સત્યમેવ જયતે

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

TUESDAY, MARCH 3, 2020/ PHALGUNA 13, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 03rd March, 2020.

No.RPB/Act-39/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 5th December, 2019, Aghrahaayan 14, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 5th December, 2019 is hereby published for general information :-

THE JALLIANWALA BAGH NATIONAL MEMORIAL (AMENDMENT) ACT, 2019

(AS PASSED BY THE HOUSES OF PARLIAMENT)

[ACT NO. 39 of 2019]

An

[5th December, 2019]

Act

further to amend the Jallianwala Bagh National Memorial Act, 1951.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

- | | | |
|-------------|---|---|
| 25 of 1951. | <p>1. This Act may be called the Jallianwala Bagh National Memorial (Amendment) Act, 2019.</p> <p>2. In the Jallianwala Bagh National Memorial Act, 1951 (hereinafter referred to as the principal Act), in section 4, in sub-section (1),—</p> <p>(i) clause (b) shall be omitted;</p> <p>(ii) for clause (d), the following clause shall be substituted, namely:—</p> <p>"(d) the Leader of Opposition recognised as such in the House of the People or where there is no such Leader of Opposition, then the Leader of the single largest Opposition Party in that House;"</p> | <p>Short title and commencement.</p> <p>Amendment of section 4.</p> |
|-------------|---|---|

Amendment of
section 5.

3. In section 5 of the principal Act, the following proviso shall be inserted, namely:—

"Provided that the term of office of a Trustee nominated under clause (g) of sub-section (1) of section 4 may be terminated before the expiry of the period of five years by the Central Government."

Sd/-

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

THURSDAY, MARCH 5, 2020/ PHALGUNA 15, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 5th March, 2020.

No.RPB/Act-40/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
Legislative Department

New Delhi, the 5th December, 2019, Aghrahaayan 14, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 5th December, 2019 is hereby published for general information :-

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019

[ACT NO. 40 of 2019]

AN

[5th December, 2019]

ACT

to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Transgender Persons (Protection of Rights) Act, 2019.

Short title and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment, wholly or substantially financed by that Government, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(b) "establishment" means—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

18 of 2013.

(ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;

(c) "family" means a group of people related by blood or marriage or by adoption made in accordance with law;

(d) "inclusive education" means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;

(e) "institution" means an institution, whether public or private, for the reception, care, protection, education, training or any other service of transgender persons;

(f) "local authority" means the municipal corporation or Municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(g) "National Council" means the National Council for Transgender Persons established under section 16;

(h) "notification" means a notification published in the Official Gazette;

(i) "person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body;

(j) "prescribed" means prescribed by rules made by the appropriate Government under this Act; and

(k) "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

CHAPTER II

PROHIBITION AGAINST DISCRIMINATION

Prohibition
against
discrimination.

3. No person or establishment shall discriminate against a transgender person on any of the following grounds, namely:—

(a) the denial, or discontinuation of, or unfair treatment in, educational establishments and services thereof;

(b) the unfair treatment in, or in relation to, employment or occupation;

(c) the denial of, or termination from, employment or occupation;

(d) the denial or discontinuation of, or unfair treatment in, healthcare services;

(e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public;

(f) the denial or discontinuation of, or unfair treatment with regard to the right of movement;

(g) the denial or discontinuation of, or unfair treatment with regard to the right to reside, purchase, rent, or otherwise occupy any property;

(h) the denial or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; and

(i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a transgender person may be.

CHAPTER III

RECOGNITION OF IDENTITY OF TRANSGENDER PERSONS

4. (1) A transgender person shall have a right to be recognised as such, in accordance with the provisions of this Act.

Recognition of identity of transgender person.

(2) A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity.

5. A transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person, in such form and manner, and accompanied with such documents, as may be prescribed:

Application for certificate of identity.

Provided that in the case of a minor child, such application shall be made by a parent or guardian of such child.

6. (1) The District Magistrate shall issue to the applicant under section 5, a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as transgender.

Issue of certificate of identity.

(2) The gender of transgender person shall be recorded in all official documents in accordance with certificate issued under sub-section (1).

(3) A certificate issued to a person under sub-section (1) shall confer rights and be a proof of recognition of his identity as a transgender person.

Change in
gender.

7. (1) After the issue of a certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.

(2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.

(3) The person who has been issued a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person:

Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.

CHAPTER IV

WELFARE MEASURES BY GOVERNMENT

Obligation of
appropriate
Government.

8. (1) The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society.

(2) The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government.

(3) The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory.

(4) The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons.

(5) The appropriate Government shall take appropriate measures to promote and protect the right of transgender persons to participate in cultural and recreational activities.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

Non-
discrimination
in
employment.

9. No establishment shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion and other related issues.

Obligations of
establishments.

10. Every establishment shall ensure compliance with the provisions of this Act and provide such facilities to transgender persons as may be prescribed.

Grievance
redressal
mechanism.

11. Every establishment shall designate a person to be a complaint officer to deal with the complaints relating to violation of the provisions of this Act.

Right of
residence.

12. (1) No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child.

(2) Every transgender person shall have—

(a) a right to reside in the household where parent or immediate family members reside;

(b) a right not to be excluded from such household or any part thereof; and

(c) a right to enjoy and use the facilities of such household in a non-discriminatory manner.

(3) Where any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in rehabilitation centre.

CHAPTER VI

EDUCATION, SOCIAL SECURITY AND HEALTH OF TRANSGENDER PERSONS

13. Every educational institution funded or recognised by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others.

Obligation of educational institutions to provide inclusive education to transgender persons.

14. The appropriate Government shall formulate welfare schemes and programmes to facilitate and support livelihood for transgender persons including their vocational training and self-employment.

Vocational training and self-employment.

15. The appropriate Government shall take the following measures in relation to transgender persons, namely:—

Healthcare facilities.

(a) to set up separate human immunodeficiency virus Sero-surveillance Centres to conduct sero-surveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf;

(b) to provide for medical care facility including sex reassignment surgery and hormonal therapy;

(c) before and after sex reassignment surgery and hormonal therapy counselling;

(d) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines;

(e) review of medical curriculum and research for doctors to address their specific health issues;

(f) to facilitate access to transgender persons in hospitals and other healthcare institutions and centres;

(g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.

CHAPTER VII

NATIONAL COUNCIL FOR TRANSGENDER PERSONS

16. (1) The Central Government shall by notification constitute a National Council for Transgender Persons to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

National Council for Transgender Persons.

(2) The National Council shall consist of—

(a) the Union Minister in-charge of the Ministry of Social Justice and Empowerment, Chairperson, *ex officio*;

(b) the Minister of State, in-charge of the Ministry of Social Justice and Empowerment in the Government, Vice-Chairperson, *ex officio*;

(c) Secretary to the Government of India in-charge of the Ministry of Social Justice and Empowerment, Member, *ex officio*;

(d) one representative each from the Ministries of Health and Family Welfare, Home Affairs, Housing and Urban Affairs, Minority Affairs, Human Resources

Development, Rural Development, Labour and Employment and Departments of Legal Affairs, Pensions and Pensioners Welfare and National Institute for Transforming India Aayog, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(e) one representative each from the National Human Rights Commission and National Commission for Women, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(f) representatives of the State Governments and Union territories by rotation, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members, *ex officio*;

(g) five representatives of transgender community, by rotation, from the State Governments and Union territories, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members;

(h) five experts, to represent non-governmental organisations or associations, working for the welfare of transgender persons, to be nominated by the Central Government, Members; and

(i) Joint Secretary to the Government of India in the Ministry of Social Justice and Empowerment dealing with the welfare of the transgender persons, Member Secretary, *ex officio*.

(3) A Member of National Council, other than *ex officio* member, shall hold office for a term of three years from the date of his nomination.

Functions of
Council.

17. The National Council shall perform the following functions, namely:—

(a) to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;

(b) to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;

(c) to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;

(d) to redress the grievances of transgender persons; and

(e) to perform such other functions as may be prescribed by the Central Government.

CHAPTER VIII

OFFENCES AND PENALTIES

Offences and
penalties.

18. Whoever,—

(a) compels or entices a transgender person to indulge in the act of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

(b) denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use;

(c) forces or causes a transgender person to leave household, village or other place of residence; and

(d) harms or injures or endangers the life, safety, health or well-being, whether mental or physical, of a transgender person or tends to do acts including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.

CHAPTER IX

MISCELLANEOUS

19. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the National Council as may be necessary for carrying out the purposes of this Act.

Grants by
Central
Government.

20. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Act not in
derogation of
any other law.

21. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.

Protection of
action taken
in good faith.

22. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

Power of
appropriate
Government
to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the form and manner in which an application shall be made under section 5;
- (b) the procedure, form and manner and the period within which a certificate of identity is issued under sub-section (1) of section 6;
- (c) the form and manner in which an application shall be made under sub-section (1) of section 7;
- (d) the form, period and manner for issuing revised certificate under sub-section (2) of section 7;
- (e) welfare measures to be provided under sub-section (2) of section 8;
- (f) facilities to be provided under section 10;
- (g) other functions of the National Council under clause (e) of section 17; and
- (h) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.
By order and in the name of the Governor of Gujarat,



સત્યમેવ જયતે

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

THURSDAY, MARCH 5, 2020/ PHALGUNA 15, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 5th March, 2020.

No.RPB/Act-41/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 5th December, 2019, Aghrahaayan 14, 1941 (Sake)The following Act of Parliament has received the assent of the President on the 5th December, 2019 is hereby published for general information :-

THE CHIT FUNDS (AMENDMENT) ACT, 2019

[ACT NO. 41 of 2019]

AN

[5th December, 2019]

ACT

Further to amend the Chit Funds Act, 1982.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Chit Funds (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

40 of 1982.

2. In the Chit Funds Act, 1982 (hereinafter referred to as the principal Act), in section 2,-

Amendment
of section 2.(i) in clause (b), after the word “*kuri*”, the words “,fraternity fund, Rotating Savings and Credit Institution” shall be inserted;

(ii) clause (d) shall be omitted;

(iii) clause (h) shall be omitted;

(iv) after clause (j), the following clause shall be inserted, namely :-

'(ja) "gross chit amount" means the sum-total of the subscriptions payable by all the subscribers for any instalment of a chit without any deduction of discount or otherwise;

'(jb) "net chit amount" means the difference between the gross chit amount and the discount, and in the case of a fraction of a ticket means the difference between the gross chit amount and the discount proportionate to the fraction of the ticket, and when the net chit amount is payable otherwise than in cash, the value of the net chit amount shall be the value at the time when it becomes payable;';

(v) clause (m) shall be omitted;

(vi) after clause (p), the following clause shall be inserted, namely:—

'(pa) "share of discount" means the share of the subscriber in the amount of discount available under the chit agreement for rateable distribution among the subscribers at each instalment of the chit;'

Substitution of words to certain expressions by certain other expressions.

3. Throughout the principal Act,—

(i) for the words "chit amount", the words "gross chit amount" shall be substituted;

(ii) for the word "dividend", the words "share of discount" shall be substituted; and

(iii) for the words "prize amount", the words "net chit amount" shall be substituted.

Substitution of new section for section 11. namely:—

4. For section 11 of the principal Act, the following section shall be substituted,

Use of words "chit", "chit fund", "chitty", "kuri", "fraternity fund" or "Rotating Savings and Credit Institution".

"11. (1) No person shall carry on chit business unless he uses as part of his name any of the words "chit", "chit fund", "chitty", "kuri", "fraternity fund" or "Rotating Savings and Credit Institution" and no person other than a person carrying on chit business shall use as part of his name any such word.

(2) Where at the commencement of this Act,—

(a) any person is carrying on chit business without using as part of his name any of the words specified in sub-section (1); or

(b) any person not carrying on chit business is using any such word as part of his name,

he shall, within a period of one year from such commencement, add as part of his name any such word or, as the case may be, delete such word from his name:

Provided that the State Government may, if it considers necessary in the public interest or for avoiding any hardship, extend the said period of one year by such further period or periods not exceeding one year in the aggregate."

Amendment of section 13.

5. In section 13 of the principal Act,—

(i) in sub-section (1), for the words "rupees one lakh", the words "rupees three lakhs" shall be substituted;

(ii) in sub-section (2),—

(a) in clause (a), for the words "rupees six lakhs", the words "rupees eighteen lakhs" shall be substituted;

(b) in clause (b), for the words "rupees one lakh", the words "rupees three lakhs" shall be substituted.

6. In section 16 of the principal Act, in sub-section (2), after the words "two subscribers", the words "present in person or through video conferencing duly recorded by the foreman" shall be inserted. Amendment of section 16.

7. In section 17 of the principal Act, in sub-section (1),—

(a) after the words "at least two other subscribers who are present", the words "in person or through video conferencing" shall be inserted;

Amendment of section 17.

(b) the following proviso shall be inserted, namely:—

"Provided that where two subscribers required to be present under sub-section (2) of section 16 are present through video conferencing, the foreman shall have the minutes of the proceedings signed by such subscribers within a period of two days of the date of the draw."

8. In section 21 of the principal Act, in sub-section (1),—

Amendment of section 21.

(i) in clause (b), for the words "five per cent.", the words "seven per cent." shall be substituted;

(ii) in clause (f), the word "and" shall be omitted;

(iii) after clause (f), the following clause shall be inserted, namely:—

"(fa) to exercise his right to lien against the credit balance in other non-prized chits; and".

9. In section 85 of the principal Act, in clause (b), for the words "one hundred rupees", the words "such amount as may be specified, by notification in the Official Gazette, by the State Government" shall be substituted. Amendment of section 85.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

K. M. LALA,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 06th March, 2020.

No.RPB/Act-42/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 5th December, 2019, Aghrahaayan 14, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 5th December, 2019 is hereby published for general information :-

THE PROHIBITION OF ELECTRONIC CIGARETTES (PRODUCTION, MANUFACTURE, IMPORT, EXPORT, TRANSPORT, SALE, DISTRIBUTION, STORAGE AND ADVERTISEMENT) ACT, 2019

[ACT NO. 42 of 2019]

An

[5th December, 2019]

Act

to prohibit the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes in the interest of public health to protect the people from harm and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.

Short title and
commencement.

2. It shall be deemed to have come into force on the 18th day of September 2019.

Amendment of
section 4.

Declaration as to expediency of control by Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the electronic cigarettes industry.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "advertisement" means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website or social media and includes through any notice, circular, label, wrapper, invoice or other document or device;

(b) "authorised officer" means—

(i) any police officer not below the rank of sub-inspector; or

(ii) any other officer, not below the rank of sub-inspector, authorised by the Central Government or the State Government by notification;

(c) "distribution" includes distribution by way of samples, whether free or otherwise and the expression "distribute" shall be construed accordingly;

(d) "electronic cigarette" means an electronic device that heats a substance, with or without nicotine and flavours, to create an aerosol for inhalation and includes all forms of Electronic Nicotine Delivery Systems, Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940.

23 of 1940.

Explanation.—For the purposes of this clause, the expression "substance" includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(e) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(f) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(g) "manufacture" means a process for making or assembling electronic cigarettes and any part thereof, which includes any sub-process, incidental or ancillary to the manufacture of electronic cigarettes and any part thereof;

(h) "notification" means a notification published in the Official Gazette;

(i) "person" includes—

(i) any individual or group of individuals;

(ii) a firm (whether registered or not);

(iii) a Hindu Undivided Family;

(iv) a trust;

(v) a limited liability partnership;

(vi) a co-operative society;

(vii) any corporation or company or body of individuals; and

(viii) every artificial juridical person not falling within any of the preceding sub-clauses;

(j) "place" includes any house, room, enclosure, space, conveyance or the area in like nature;

(k) "production" with its grammatical variations and cognate expressions, includes the making or assembling of electronic cigarettes and any part thereof;

(l) "sale" with its grammatical variations and cognate expressions, means any transfer of property in goods (including online transfer) by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale.

4. On and from the date of commencement of this Act, no person shall, directly or indirectly,—

(i) produce or manufacture or import or export or transport or sell or distribute electronic cigarettes, whether as a complete product or any part thereof; and

(ii) advertise electronic cigarettes or take part in any advertisement that directly or indirectly promotes the use of electronic cigarettes.

Prohibition on production, manufacturing, import, export, transport, sale, distribution, advertisement of electronic cigarettes.

5. On and from the date of commencement of this Act, no person, being the owner or occupier or having the control or use of any place shall, knowingly permit it to be used for storage of any stock of electronic cigarettes:

Prohibition on storage of electronic cigarettes.

Provided that any existing stock of electronic cigarettes as on the date of the commencement of this Act kept for sale, distribution, transport, export or advertisement shall be disposed of in the manner hereinafter specified—

(a) the owner or occupier of the place with respect to the existing stock of electronic cigarettes shall, *suo motu*, prepare a list of such stock of electronic cigarettes in his possession and without unnecessary delay submit the stock as specified in the list to the nearest office of the authorised officer; and

(b) the authorised officer to whom any stock of electronic cigarettes is forwarded under clause (a) shall, with all convenient despatch, take such measures as may be necessary for the disposal according to the law for the time being in force.

6. (1) An authorised officer, if he has reason to believe that any provision of this Act has been, or is being contravened, may enter and search any place where—

Power to enter, search and seize without warrant.

(a) any trade or commerce in electronic cigarettes is carried on or electronic cigarettes are produced, supplied, distributed, stored or transported; or

(b) any advertisement of the electronic cigarettes has been or is being made.

(2) After completion of the search referred to in sub-section (1), the authorised officer shall seize any record or property found as a result of the search in the said place, which are intended to be used, or reasonably suspected to have been used, in connection with any matter referred to in sub-section (1) and if he thinks proper, take into custody and produce, along with the record or property so seized, before the Court of Judicial Magistrate of the first class, any such person whom he has reason to believe to have committed any offence punishable under this Act.

(3) Where it is not practicable to seize the record or property, the officer authorised under sub-section (1), may make an order in writing to attach such property, stocks or records maintained by the producer, manufacturer, importer, exporter, transporter, seller, distributor, advertiser or stockist about which a complaint has been made or credible information has been received or a reasonable suspicion exists of their having been connected with any offence in contravention of the provisions of this Act and such order shall be binding on the person connected with the said offence.

(4) All searches, seizures and attachment under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973.

2 of 1974.

Punishment
for
contravention
of section 4.

7. Whoever contravenes the provisions of section 4, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.

Punishment
for
contravention
of section 5.

8. Whoever contravenes the provisions of section 5, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

Jurisdiction
and trial of
offences.

9. (1) Any person committing an offence under section 4 or section 5 shall be triable for such offence in any place in which he is liable to be tried under any law for the time being in force.

(2) All offences under this Act shall be tried by the Court of Judicial Magistrate of the first class in accordance with the procedure provided for trials in the Code of Criminal Procedure, 1973.

2 of 1974.

Power to
dispose of
stock seized.

10. After completion of the proceedings before the Court and if it is proved that the stock seized by the authorised officer under the provisions of this Act are stocks of electronic cigarettes, such stocks shall be disposed of in accordance with the provisions contained in Chapter XXXIV of the Code of Criminal Procedure, 1973.

2 of 1974.

Offences by
companies.

11. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" means a whole-time director in the company and in relation to a firm, means a partner in the firm.

Cognizance of
offences.

12. No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by an authorised officer under this Act.

Offences to be
cognizable.

13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under section 4 shall be cognizable.

2 of 1974.

Act to have
overriding
effect.

14. Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

15. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force prohibiting production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes.

Application of other laws not barred.

16. No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by an order published in the Official Gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

18. (1) The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Ordinance, 2019 is hereby repealed.

Repeal and savings.

Ord. 14 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Sd/-

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 06th March, 2020.

No.RPB/Act-43/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 9th December, 2019, Aghrahaayan 18, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 9th December, 2019 is hereby published for general information :-

THE SPECIAL PROTECTION GROUP (AMENDMENT) ACT, 2019

(AS PASSED BY THE HOUSES OF PARLIAMENT)

[ACT NO. 43 of 2019]

An

[9th December, 2019]

Act

further to amend the Special Protection Group Act, 1988.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Special Protection Group (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 4.

2. In section 4 of the Special Protection Group Act, 1988,-

34 of 1988.

(i) for sub-section (I), the following sub-section shall be substituted, namely:-

“(I) There shall be an armed force of the Union called the Special Protection Group for Providing proximate security to,-

(a) the Prime Minister and members of his immediate family residing with him at his official residence; and

(b) any former Prime Minister and such members of his immediate family as are residing with him at the residence allotted to him, for a period of five years from the date he ceases to hold the office of Prime Minister.”;

(ii) in sub-section (IA), for clause (b), the following clause shall be substituted, namely:-

“(b) where the proximate security is withdrawn from a former Prime Minister, such proximate security shall also stand withdrawn from members of immediate family of such former Prime Minister.”.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

K. M. LALA,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 07th March, 2020.

No.RPB/Act-44/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 9th December, 2019, Aghrahaayan 18, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 9th December, 2019 is hereby published for general information :-

THE DADRA AND NAGAR HAVELI AND DAMAN AND DIU (MERGER OF UNION TERRITORIES) ACT, 2019

[ACT NO. 44 of 2019]

An

[9th December, 2019]

Act

to provide for merger of Union territories of Dadra and Nagar Haveli and Daman and Diu and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

PART I

PRELIMINARY

1. (1) This Act may be called the Dadra and Nagar Haveli and Daman and Diu (Merger of Union territories) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appointed day” means the day on which the Central Government may, by notification in the Official Gazette, appoint;

(b) “existing Union territories” means the Union territories of Dadra and Nagar Haveli and Daman and Diu as existing immediately before the appointed day;

(c) “law” includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having a force of law in the whole or in any part of the existing Union territories immediately before the appointed day.

PART II

MERGER OF UNION TERRITORIES

Formation of Union territory of Dadra and Nagar Haveli and Daman and Diu.

3. On and from the appointed day, there shall be formed a new Union territory to be known as the Union territory of Dadra and Nagar Haveli and Daman and Diu comprising the territory of the existing Union territories, namely:—

Dadra and Nagar Haveli and Daman and Diu,

and thereupon the said territories shall have ceased to form part of the existing Union territories.

Amendment of article 240 of Constitution.

4. In article 240 of the Constitution, in clause (1),—

(i) for entry (c), the following entry shall be substituted, namely:—

“(c) Dadra and Nagar Haveli and Daman and Diu;”;

(ii) entry (d) shall be omitted.

Amendment of First Schedule to Constitution.

5. On and from the appointed day, in the First Schedule to the Constitution, under the heading “II. THE UNION TERRITORIES”, for entries 4 and 5 and the corresponding entries relating thereto, the following shall be substituted, namely:—

Name	Extent
“4. Dadra and Nagar Haveli and Daman and Diu	The territory which immediately before the eleventh day of August, 1961 was comprised in Free Dadra and Nagar Haveli and the territories specified in section 4 of the Goa, Daman and Diu Reorganisation Act, 1987.”.

18 of 1987.

PART III

REPRESENTATION IN THE HOUSE OF THE PEOPLE

Allocation of seats in House of People.

6. On and from the appointed day, there shall be allocated two seats to the Union territory of Dadra and Nagar Haveli and Daman and Diu in the House of the People and the First Schedule to the Representation of the People Act, 1950 shall be deemed to be amended accordingly.

43 of 1950.

Provisions as to sitting members.

7. (1) Every sitting members of the House of the People representing any Parliamentary constituency, which, on the appointed day, by virtue of the provisions of section 5, stands allotted, with or without alteration of boundaries, be deemed to have been elected to that House by that constituency.

43 of 1950.

Explanation.—For the purposes of this sub-section “parliamentary constituency” shall have the same meaning as assigned to it in the Representation of the People Act, 1950.

(2) The term of office of such members shall remain unaltered.

PART IV

HIGH COURT

8. On and from the appointed day, the jurisdiction of the High Court of Bombay shall continue to extend to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Extension of jurisdiction of High Court of Bombay.

PART V

ASSETS AND LIABILITIES

9. Subject to the other provisions of this Part, all land and all stores, articles and other goods held immediately before the appointed day, by the existing Union territories, shall, on and from that day, vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Land and goods.

Explanation.—For the purposes of this section, the expression “land” includes immovable property of every kind and any rights in or over such property and the expression “goods” does not include coins, bank notes and currency notes.

10. The total of the cash balances in all treasuries, the Reserve Bank of India, the State Bank of India and any nationalised bank, of the existing Union territories immediately before the appointed day shall be merged in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Cash balances.

11. (1) The right to recover arrears of any tax or duty (including arrears of land revenue) on any property situated in the existing Union territories shall vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Arrears of tax.

(2) The right to recover arrears of any tax or duty, other than a tax or duty specified in sub-section (1), shall belong to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

12. The right to recover any loans or advances made by the existing Union territories before the appointed day to any local body, society, agriculturist or other person shall belong to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Right to recover loans and advances.

13. The assets and liabilities relating to any commercial undertaking of the existing Union territories shall vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Assets and liabilities of Union territory undertakings.

14. The liability of the Union to refund—

(a) any tax or duty on property, including land revenue collected in excess shall go to the Union territory of Dadra and Nagar Haveli and Daman and Diu;

Refund of taxes collected in excess.

(b) any other tax or duty collected in excess shall go to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

PART VI

PROVISIONS AS TO SERVICES

15. The members of each of the All India Services borne on the existing Union territories cadre immediately before the appointed day shall continue to be in the cadre of the same service of the existing Union territory in which they stand allocated before the appointed day.

Provisions relating to All India Services.

Provisions
relating to
other
services.

16. (1) Every person employed in connection with the affairs of the existing Union territories and serving immediately before the appointed day in the existing Union territories shall, on and from that day,—

(a) continue to serve in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu; and

(b) be deemed to be provisionally allotted to serve in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu:

Provided that nothing in clause (b) shall apply to a person to whom the provisions of section 15 apply or to a person on deputation from any State.

(2) As soon as may be, after the appointed day, the Central Government shall by general or special order, determine whether every person referred to in clause (b) of sub-section (1) shall be finally allotted for service in the Union territory of Dadra and Nagar Haveli and Daman and Diu and the date with effect from which such allotment shall take effect or be deemed to have taken effect.

(3) As soon as may be after the Central Government passes orders finally allotting an employee in terms of sub-section (2), the Union territory of Dadra and Nagar Haveli and Daman and Diu shall take steps to integrate the employee into the services under its control in accordance with such special or general orders or instructions as may be issued by the Central Government from time to time in this behalf.

(4) The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to ensuring of fair and equitable treatment to all persons affected by the provisions of this section and proper consideration of any representations made by such persons:

Provided that notwithstanding anything to the contrary contained in any law for the time being in force, no representation shall be against any order passed by the competent authority on matters arising out of the division and integration of services under this Act, on the expiry of three months from the date of publication or service of such order, whichever is earlier:

Provided further that, notwithstanding anything contained in the preceding proviso, the Central Government may *suo motu* or otherwise and for reasons to be recorded, reopen any matter and pass such order thereon, as may appear to it to be appropriate if it is satisfied that it is necessary so to do, in order to prevent any miscarriage of justice to any affected employee.

(5) Nothing in this section shall be deemed to affect, on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in sub-section (1) or sub-section (2) shall not be varied to his disadvantage except with the previous approval of the Central Government.

(6) All services prior to the appointed day rendered by a person allotted under sub-section (2) in connection with the affairs of the existing Union territories shall, for the purposes of the rules regarding his conditions of service, be deemed to have been rendered in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu.

(7) The provisions of this section other than clause (a) of sub-section (1) shall not apply in relation to any person to whom the provisions of section 16 apply.

PART VII

LEGAL AND MISCELLANEOUS PROVISIONS

17. All laws which immediately before the appointed day extend to, or are in force in, existing Union territories shall, on and from the appointed day, continue to be in force in those areas in respect of which they were in force immediately before that day.

Extension of laws.

18. Any court, tribunal or authority required or empowered to enforce any law extended to the Union territory of Dadra and Nagar Haveli and Daman and Diu by section 17 may, for the purpose of facilitating its application in relation to the Union territory of Dadra and Nagar Haveli and Daman and Diu, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Power to construe laws.

19. For the purpose of facilitating the application of any law in relation to the Union territory of Dadra and Nagar Haveli and Daman and Diu, the Central Government may, before the expiration of two years from the appointed day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Power to adapt laws.

20. Where, immediately before the appointed day, the existing Union territories is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the Union territory of Dadra and Nagar Haveli and Daman and Diu under this Act, the Union territory of Dadra and Nagar Haveli and Daman and Diu shall be deemed to be substituted for the existing Union territories as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

Legal proceedings.

21. (1) Every proceeding pending immediately before the appointed day before any court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the existing Union territories shall, stand transferred to the corresponding court, tribunal, authority or officer in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Transfer of pending proceeding.

(2) In this section,—

(a) “proceeding” includes any suit, case or appeal; and

(b) “corresponding court, tribunal, authority or officer”, in the Union territory of Dadra and Nagar Haveli and Daman and Diu, means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if the proceeding had been instituted after the appointed day, or

(ii) in case of doubt, such court, tribunal, authority or officer in that Union territory as may be determined after the appointed day by the Administrator of the Union territory of Dadra and Nagar Haveli and Daman and Diu, or before the appointed day by the existing Union territories, to be the corresponding court, tribunal, authority or officer.

Explanation.—For the purposes of this sub-section, “Administrator” means the administrator appointed by the President under article 239 of the Constitution.

22. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Effect of provisions inconsistent with other laws.

Power to
remove
difficulties.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the appointed day.

(2) Every order made under this section shall be laid before each House of Parliament.

Sd/-

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 07th March, 2020.

No.RPB/Act-46/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
Legislative Department

New Delhi, the 12th December, 2019, Aghrahaayan 21, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 11th December, 2019 is hereby published for general information :-

THE TAXATION LAWS (AMENDMENT) ACT, 2019

[ACT NO. 46 of 2019]

An

[11th December, 2019]

Act

further to amend the income-tax Act, 1961 and to amend the Finance (No. 2) Act, 2019.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Taxation Laws (Amendment) Act, 2019.

Short title and
commencement.

(2) Save as otherwise provided, it shall be deemed to have come into force on the 20th day of September, 2019.

CHAPTER II

AMENDMENTS IN THE INCOME-TAX ACT, 1961

43 of 1961.

2. In section 92BA of the Income-tax Act, 1961 (hereafter in this Chapter referred to as the Income-tax Act), after clause (v), the following clause shall be inserted, with effect from the 1st day of April, 2020, namely:-

Amendment of
section 92BA.

“(va) any business transacted between the persons referred to in sub-section (6) of section 115BAB;”.

Amendment
of section
115BA.

3. In section 115BA of the Income-tax Act, with effect from the 1st day of April, 2020,—

(a) for the marginal heading "Tax on income of certain domestic companies", the marginal heading "Tax on income of certain manufacturing domestic companies" shall be substituted;

(b) in sub-section (1), for the words "subject to the other provisions of this Chapter", the words, figures and letters "subject to the other provisions of this Chapter, other than those mentioned under section 115BAA and section 115BAB" shall be substituted;

(c) in sub-section (4), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that where the person exercises option under section 115BAA, the option under this section may be withdrawn."

Insertion of
new sections
115BAA and
115BAB.

Tax on
income of
certain
domestic
companies.

4. After section 115BA of the Income-tax Act, the following sections shall be inserted with effect from the 1st day of April, 2020, namely:—

'115BAA. (1) Notwithstanding anything contained in this Act but subject to the provisions of this Chapter, other than those mentioned under section 115BA and section 115BAB, the income-tax payable in respect of the total income of a person, being a domestic company, for any previous year relevant to the assessment year beginning on or after the 1st day of April, 2020, shall, at the option of such person, be computed at the rate of twenty-two per cent., if the conditions contained in sub-section (2) are satisfied:

Provided that where the person fails to satisfy the conditions contained in sub-section (2) in any previous year, the option shall become invalid in respect of the assessment year relevant to that previous year and subsequent assessment years and other provisions of the Act shall apply, as if the option had not been exercised for the assessment year relevant to that previous year and subsequent assessment years.

(2) For the purposes of sub-section (1), the total income of the company shall be computed,—

(i) without any deduction under the provisions of section 10AA or clause (iia) of sub-section (1) of section 32 or section 32AD or section 33AB or section 33ABA or sub-clause (ii) or sub-clause (iia) or sub-clause (iii) of sub-section (1) or sub-section (2AA) or sub-section (2AB) of section 35 or section 35AD or section 35CCC or section 35CCD or under any provisions of Chapter VI-A under the heading "C.—Deductions in respect of certain incomes" other than the provisions of section 80JJAA;

(ii) without set off of any loss carried forward or depreciation from any earlier assessment year, if such loss or depreciation is attributable to any of the deductions referred to in clause (i);

(iii) without set off of any loss or allowance for unabsorbed depreciation deemed so under section 72A, if such loss or depreciation is attributable to any of the deductions referred to in clause (i); and

(iv) by claiming the depreciation, if any, under any provision of section 32, except clause (iia) of sub-section (1) of the said section, determined in such manner as may be prescribed.

(3) The loss and depreciation referred to in clause (ii) and clause (iii) of sub-section (2) shall be deemed to have been given full effect to and no further deduction for such loss or depreciation shall be allowed for any subsequent year:

Provided that where there is a depreciation allowance in respect of a block of asset which has not been given full effect to prior to the assessment year beginning on the 1st day of April, 2020, corresponding adjustment shall be made to the written down value of such block of assets as on the 1st day of April, 2019 in the prescribed manner, if the option under sub-section (5) is exercised for a previous year relevant to the assessment year beginning on the 1st day of April, 2020.

(4) In case of a person, having a Unit in the International Financial Services Centre, as referred to in sub-section (1A) of section 80LA, which has exercised option under sub-section (5), the conditions contained in sub-section (2) shall be modified to the extent that the deduction under section 80LA shall be available to such Unit subject to fulfilment of the conditions contained in the said section.

Explanation.—For the purposes of this sub-section, the term "Unit" shall have the same meaning as assigned to it in clause (zc) of section 2 of the Special Economic Zones Act, 2005.

28 of 2005.

(5) Nothing contained in this section shall apply unless the option is exercised by the person in the prescribed manner on or before the due date specified under sub-section (1) of section 139 for furnishing the returns of income for any previous year relevant to the assessment year commencing on or after the 1st day of April, 2020 and such option once exercised shall apply to subsequent assessment years:

Provided that in case of a person, where the option exercised by it under section 115BAB has been rendered invalid due to violation of conditions contained in sub-clause (ii) or sub-clause (iii) of clause (a), or clause (b) of sub-section (2) of said section, such person may exercise option under this section:

Provided further that once the option has been exercised for any previous year, it cannot be subsequently withdrawn for the same or any other previous year.

115BAB. (1) Notwithstanding anything contained in this Act but subject to the provisions of this Chapter, other than those mentioned under section 115BA and section 115BAA, the income-tax payable in respect of the total income of a person, being a domestic company, for any previous year relevant to the assessment year beginning on or after the 1st day of April, 2020, shall, at the option of such person, be computed at the rate of fifteen per cent., if the conditions contained in sub-section (2) are satisfied:

Tax on income of new manufacturing domestic companies.

Provided that where the total income of the person, includes any income, which has neither been derived from nor is incidental to manufacturing or production of an article or thing and in respect of which no specific rate of tax has been provided separately under this Chapter, such income shall be taxed at the rate of twenty-two per cent. and no deduction or allowance in respect of any expenditure or allowance shall be allowed in computing such income:

Provided further that the income-tax payable in respect of the income of the person deemed so under second proviso to sub-section (6) shall be computed at the rate of thirty per cent.:

Provided also that the income-tax payable in respect of income being short term capital gains derived from transfer of a capital asset on which no depreciation is allowable under the Act shall be computed at the rate of twenty-two per cent.:

Provided also that where the person fails to satisfy the conditions contained in sub-section (2) in any previous year, the option shall become invalid in respect of the assessment year relevant to that previous year and subsequent assessment years and other provisions of the Act shall apply to the person as if the option had not been exercised for the assessment year relevant to that previous year and subsequent assessment years.

(2) For the purposes of sub-section (1), the following conditions shall apply, namely:—

(a) the company has been set-up and registered on or after the 1st day of October, 2019, and has commenced manufacturing or production of an article or thing on or before the 31st day of March, 2023 and,—

(i) the business is not formed by splitting up, or the reconstruction, of a business already in existence:

Provided that this condition shall not apply in respect of a company, business of which is formed as a result of the re-establishment, reconstruction or revival by the person of the business of any such undertaking as is referred to in section 33B, in the circumstances and within the period specified in the said section;

(ii) does not use any machinery or plant previously used for any purpose.

Explanation 1.—For the purposes of sub-clause (ii), any machinery or plant which was used outside India by any other person shall not be regarded as machinery or plant previously used for any purpose, if the following conditions are fulfilled, namely:—

(A) such machinery or plant was not, at any time previous to the date of the installation used in India;

(B) such machinery or plant is imported into India from any country outside India; and

(C) no deduction on account of depreciation in respect of such machinery or plant has been allowed or is allowable under the provisions of this Act in computing the total income of any person for any period prior to the date of the installation of machinery or plant by the person.

Explanation 2.—Where in the case of a person, any machinery or plant or any part thereof previously used for any purpose is put to use by the company and the total value of such machinery or plant or part thereof does not exceed twenty per cent. of the total value of the machinery or plant used by the company, then, for the purposes of sub-clause (ii) of this clause, the condition specified therein shall be deemed to have been complied with;

(iii) does not use any building previously used as a hotel or a convention centre, as the case may be, in respect of which deduction under section 80-ID has been claimed and allowed.

Explanation.—For the purposes of this sub-clause, the expressions "hotel" and "convention centre" shall have the meanings respectively assigned to them in clause (a) and clause (b) of sub-section (6) of section 80-ID;

(b) the company is not engaged in any business other than the business of manufacture or production of any article or thing and research in relation to, or distribution of, such article or thing manufactured or produced by it.

Explanation.—For the removal of doubts, it is hereby clarified that the business of manufacture or production of any article or thing referred to in clause (b) shall not include business of,—

(i) development of computer software in any form or in any media;

- (ii) mining;
- (iii) conversion of marble blocks or similar items into slabs;
- (iv) bottling of gas into cylinder;
- (v) printing of books or production of cinematograph film; or
- (vi) any other business as may be notified by the Central Government in this behalf; and

(c) the total income of the company has been computed,—

(i) without any deduction under the provisions of section 10AA or clause (iia) of sub-section (1) of section 32 or section 32AD or section 33AB or section 33ABA or sub-clause (ii) or sub-clause (iia) or sub-clause (iii) of sub-section (1) or sub-section (2AA) or sub-section (2AB) of section 35 or section 35AD or section 35CCC or section 35CCD or under any provisions of Chapter VI-A under the heading "*C.—Deductions in respect of certain incomes*" other than the provisions of section 80JJAA;

(ii) without set off of any loss or allowance for unabsorbed depreciation deemed so under section 72A where such loss or depreciation is attributable to any of the deductions referred to in sub-clause (i).

Explanation.—For the removal of doubts, it is hereby clarified that in case of an amalgamation, the option under sub-section (7) shall remain valid in case of the amalgamated company only and if the conditions contained in sub-section (2) are continued to be satisfied by such company; and

(iii) by claiming the depreciation under the provision of section 32, except clause (iia) of sub-section (1) of the said section, determined in such manner as may be prescribed.

(3) The loss referred to in sub-clause (ii) of clause (c) of sub-section (2) shall be deemed to have been given full effect to and no further deduction for such loss shall be allowed for any subsequent year.

(4) If any difficulty arises regarding fulfilment of the conditions contained in sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (2) or clause (b) of said sub-section, as the case may be, the Board may, with the approval of the Central Government, issue guidelines for the purpose of removing the difficulty and to promote manufacturing or production of article or thing using new plant and machinery.

(5) Every guideline issued by the Board under sub-section (4) shall be laid before each House of Parliament, and shall be binding on the person, and the income-tax authorities subordinate to it.

(6) Where it appears to the Assessing Officer that, owing to the close connection between the person to which this section applies and any other person, or for any other reason, the course of business between them is so arranged that the business transacted between them produces to the person more than the ordinary profits which might be expected to arise in such business, the Assessing Officer shall, in computing the profits and gains of such business for the purposes of this section, take the amount of profits as may be reasonably deemed to have been derived therefrom:

Provided that in case the aforesaid arrangement involves a specified domestic transaction referred to in section 92BA, the amount of profits from such transaction shall be determined having regard to arm's length price as defined in clause (ii) of section 92F:

Provided further that the amount, being profits in excess of the amount of the profits determined by the Assessing Officer, shall be deemed to be the income of the person.

(7) Nothing contained in this section shall apply unless the option is exercised by the person in the prescribed manner on or before the due date specified under sub-section (1) of section 139 for furnishing the first of the returns of income for any previous year relevant to the assessment year commencing on or after 1st day of April, 2020 and such option once exercised shall apply to subsequent assessment years:

Provided that once the option has been exercised for any previous year, it cannot be subsequently withdrawn for the same or any other previous year.

Explanation.—For the purposes of section 115BAA and this section, the expression "unabsorbed depreciation" shall have the meaning assigned to it in clause (b) of sub-section (7) of section 72A.

Amendment
of section
115JAA.

5. In section 115JAA of the Income-tax Act, after sub-section (7), the following sub-section shall be inserted with effect from the 1st day of April, 2020, namely:—

"(8) The provisions of this section shall not apply to a person who has exercised the option under section 115BAA."

Amendment
of section
115JB.

6. In section 115JB of the Income-tax Act, with effect from the 1st day of April, 2020,—

(a) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that for the previous year relevant to the assessment year commencing on or after the 1st day of April, 2020, the provisions of this sub-section shall have effect as if for the words "eighteen and one-half per cent." occurring at both the places, the words "fifteen per cent." had been substituted.";

(b) for sub-section (5A), the following sub-section shall be substituted, namely:—

"(5A) The provisions of this section shall not apply to,—

(i) any income accruing or arising to a company from life insurance business referred to in section 115B;

(ii) a person who has exercised the option referred to under section 115BAA or section 115BAB."

Amendment
of section
115QA.

7. In section 115QA of the Income-tax Act, in sub-section (1), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 5th day of July, 2019, namely:—

"Provided that the provisions of this sub-section shall not apply to such buy-back of shares (being the shares listed on a recognised stock exchange), in respect of which public announcement has been made on or before the 5th day of July, 2019 in accordance with the provisions of the Securities and Exchange Board of India (Buy-back of Securities) Regulations, 2018 made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

CHAPTER III

AMENDMENTS IN THE FINANCE (No. 2) ACT, 2019

Amendment
of Act No. 23
of 2019.

8. In section 2 of the Finance (No. 2) Act, 2019 [hereafter in this Chapter referred to as the Finance (No. 2) Act], in sub-section (9), with effect from the 1st day of April, 2019,—

(a) in the second proviso, for the words "First Schedule", the words, figures and letters "First Schedule, except in case of a domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act" shall be inserted and shall be deemed to have been inserted;

(b) in the third proviso,—

(i) in clause (a) for the words "the Income-tax Act" the words, figures and letters "the Income-tax Act, not having any income under section 115AD of the Income-tax Act" shall be inserted and shall be deemed to have been inserted;

(ii) after clause (a), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

'(aa) in the case of individual or every association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act having income under section 115AD of the Income-tax Act,—

(i) at the rate of ten per cent. of such "advance tax", where the total income exceeds fifty lakh rupees, but does not exceed one crore rupees;

(ii) at the rate of fifteen per cent. of such "advance tax", where the total income exceeds one crore rupees but does not exceed two crore rupees;

(iii) at the rate of twenty-five per cent. of such "advance tax", where the total income [excluding the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds two crore rupees but does not exceed five crore rupees;

(iv) at the rate of thirty-seven per cent. of such "advance tax", where the total income [excluding the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds five crore rupees;

(v) at the rate of fifteen per cent. of such "advance tax", where the total income [including the income of the nature referred to in clause (b) of sub-section (1) of section 115AD of the Income-tax Act] exceeds two crore rupees but is not covered in sub-clauses (iii) and (iv):

Provided that in case where the total income includes any income chargeable under clause (b) of sub-section (1) of section 115AD of the Income-tax Act, the rate of surcharge on the advance tax calculated on that part of income shall not exceed fifteen per cent.;

(iii) in clause (c), in the opening portion, for the words "domestic company", the words, figures and letters "domestic company except such domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act," shall be inserted and shall be deemed to have been inserted;

(c) in the fourth proviso, for the words, brackets and letter "in (a) above", the words, brackets and letters "in (a) and (aa) above" shall be substituted;

(d) after the eighth proviso, the following proviso shall be inserted, namely:—

"Provided also that in case of every domestic company whose income is chargeable to tax under section 115BAA or section 115BAB of the Income-tax Act, the "advance tax" computed under the first proviso shall be increased by a surcharge, for the purposes of the Union, calculated at the rate of ten per cent. of such "advance tax"."

Amendment
of Part II of
First Schedule.

9. In the First Schedule of the Finance (No.2) Act,—

(A) in PART II, under the sub-heading "Surcharge on income-tax", in paragraph (i), in clause (a), with effect from the 1st day of April, 2019,—

(i) in sub-clauses I and II, after the words "aggregate of such incomes", the brackets, words, figures and letters "(including the income under the provisions of section 111A and section 112A of the Income-tax Act)" shall be inserted and shall be deemed to have been inserted;

(ii) in sub-clauses III and IV, after the words "aggregate of such incomes", the brackets, words, figures and letters "(excluding the income under the provisions of section 111A and section 112A of the Income-tax Act)" shall be inserted and shall be deemed to have been inserted;

(iii) after sub-clause IV, the following sub-clause shall be inserted and shall be deemed to have been inserted, namely:—

"V. at the rate of fifteen per cent. of such tax, where the income or aggregate of the such incomes (including income under the provisions of section 111A and section 112A of the Income-tax Act) paid or likely to be paid and subject to the deduction exceeds two crore rupees, but is not covered under sub-clauses III and IV):

Provided that in case where the total income includes any income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of Income-tax deducted in respect of that part of income shall not exceed fifteen per cent.;";

(B) in PART III, in Paragraph A, under the sub-heading "Surcharge on income-tax", after the opening portion,—

(i) in clauses (a) and (b), after the words "having a total income", the brackets, words, figures and letters "(including the income under the provisions of section 111A and section 112A)" shall be inserted;

(ii) in clauses (c) and (d), after the words "having a total income", the brackets, words, figures and letters "(excluding the income under the provisions of section 111A and section 112A)" shall be inserted;

(iii) after clause (d) and before the proviso, the following clause shall be inserted, namely:—

"(e) having a total income (including income under the provisions of section 111A and section 112A) exceeding two crore rupees, but is not covered under clauses (c) and (d), shall be applicable at the rate of fifteen per cent. of such income-tax:

Provided that in case where the total income includes any income chargeable under section 111A and section 112A of the Income-tax Act, the rate of surcharge on the amount of Income-tax computed in respect of that part of income shall not exceed fifteen per cent.;".

Ord. 15 of
2019.

10. (1) The Taxation Laws (Amendment) Ordinance, 2019 is hereby repealed.

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Sd/-

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 07th March, 2020.

No.RPB/Act-47/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 12th December, 2019, Aghrahaayan 21, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 12th December, 2019 is hereby published for general information :-

THE CITIZENSHIP (AMENDMENT) ACT, 2019

[ACT NO. 47 of 2019]

AN

[12th December, 2019]

ACT

Further to amend the Citizenship Act, 1955

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Citizenship (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, 57 of 1955.
in sub-section (1), in clause (b), the following proviso shall be inserted, namely:—

"Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the 34 of 1920.
Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as 31 of 1946.
illegal migrant for the purposes of this Act;"

Insertion of
new section 6B.

3. After section 6A of the principal Act, the following section shall be inserted, namely:—

Special
provisions as
to citizenship
of person
covered by
proviso to
clause (b) of
sub-section (1)
of section 2.

'6B. (1) The Central Government or an authority specified by it in this behalf may, subject to such conditions, restrictions and manner as may be prescribed, on an application made in this behalf, grant a certificate of registration or certificate of naturalisation to a person referred to in the proviso to clause (b) of sub-section (1) of section 2.

(2) Subject to fulfilment of the conditions specified in section 5 or the qualifications for naturalisation under the provisions of the Third Schedule, a person granted the certificate of registration or certificate of naturalisation under sub-section (1) shall be deemed to be a citizen of India from the date of his entry into India.

(3) On and from the date of commencement of the Citizenship (Amendment) Act, 2019, any proceeding pending against a person under this section in respect of illegal migration or citizenship shall stand abated on conferment of citizenship to him:

Provided that such person shall not be disqualified for making application for citizenship under this section on the ground that the proceeding is pending against him and the Central Government or authority specified by it in this behalf shall not reject his application on that ground if he is otherwise found qualified for grant of citizenship under this section:

Provided further that the person who makes the application for citizenship under this section shall not be deprived of his rights and privileges to which he was entitled on the date of receipt of his application on the ground of making such application.

(4) Nothing in this section shall apply to tribal area of Assam, Meghalaya, Mizoram or Tripura as included in the Sixth Schedule to the Constitution and the area covered under "The Inner Line" notified under the Bengal Eastern Frontier Regulation, 1873.'

Reg. 5 of 1873.

Amendment
of section 7D.

4. In section 7D of the principal Act,—

(i) after clause (d), the following clause shall be inserted, namely:—

"(da) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for time being in force as may be specified by the Central Government in the notification published in the Official Gazette; or";

(ii) after clause (f), the following proviso shall be inserted, namely:—

"Provided that no order under this section shall be passed unless the Overseas Citizen of India Cardholder has been given a reasonable opportunity of being heard."

Amendment
of section 18.

5. In section 18 of the principal Act, in sub-section (2), after clause (ee), the following clause shall be inserted, namely:—

"(eei) the conditions, restrictions and manner for granting certificate of registration or certificate of naturalisation under sub-section (1) of section 6B;"

6. In the Third Schedule to the principal Act, in clause (a), the following proviso shall be inserted, namely:—

Amendment
of Third
Schedule.

'Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as "not less than five years" in place of "not less than eleven years".'

Sd/-

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 07th March, 2020.

No.RPB/Act-48/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 13th December, 2019, Aghrahaayan 22, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 13th December, 2019 is hereby published for general information :-

THE ARMS (AMENDMENT) ACT, 2019

[ACT NO. 48 of 2019]

AN

[13th December, 2019]

ACT

Further to amend the Arms Act, 1959.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Arms (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

54 of 1959

2. In the Arms Act, 1959 (hereinafter referred to as the principal Act), in section 2, after clause (e), the following clause shall be inserted, namely:-

Amendment
of section 2.

“(ea) “licence” means a licence issued in accordance with the provisions of this Act and rules made thereunder and includes a licence issued in the electronic form;”.

Amendment
of section 3.

3. In section 3 of the principal Act, in sub-section (2),—

(i) for the words "three firearms", the words "two firearm" shall be substituted;

(ii) for the proviso, the following provisos shall be inserted, namely:—

"Provided that a person who has in his possession more firearms than two at the commencement of the Arms (Amendment) Act, 2019, may retain with him any two of such firearms and shall deposit, within one year from such commencement, the remaining firearm with the officer in charge of the nearest police station or, subject to the conditions prescribed for the purposes of sub-section (1) of section 21, with a licensed dealer or, where such person is a member of the armed forces of the Union, in a unit armoury referred to in that sub-section after which it shall be delicensed within ninety days from the date of expiry of aforesaid one year:

Provided further that while granting arms licence on inheritance or heirloom basis, the limit of two firearms shall not be exceeded."

Amendment
of section 5.

4. In section 5 of the principal Act, in sub-section (1), in clause (a), for the word "manufacture," the words "manufacture, obtain, procure," shall be substituted.

Amendment
of section 6.

5. In section 6 of the principal Act, after the words "convert an imitation firearm into a firearm", the words and figures "or convert from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms" shall be inserted.

Amendment
of section 8.

6. In section 8 of the principal Act, in sub-section (1), for the word "firearm", the words "firearm or ammunition" shall be substituted.

Amendment
of section 13.

7. In section 13 of the principal Act, in sub-section (3), in clause (a), in sub-clause (ii), for the words and figures "point 22 bore rifle or an air rifle", the word "firearm" shall be substituted.

Amendment
of section 15.

8. In section 15 of the principal Act, in sub-section (1),—

(a) for the words "period of three years", the words "period of five years" shall be substituted;

(b) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the licence granted under section 3 shall be subject to the conditions specified in sub-clauses (ii) and (iii) of clause (a) of sub-section (1) of section 9 and the licensee shall produce the licence along with the firearm or ammunition and connected document before the licensing authority after every five years from the date on which it is granted or renewed."

Amendment
of section 25.

9. In section 25 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (a), for the word "manufactures," the words "manufactures, obtains, procures," shall be substituted;

(b) in clause (b), after the words "convert an imitation firearm into a firearm", the words and figures "or convert from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms" shall be inserted;

(c) in the long line, for the words "three years but which may extend to seven years", the words "seven years but which may extend to imprisonment for life" shall be substituted;

(ii) in sub-section (1A),—

(a) for the words "five years but which may extend to ten years", the words "seven years but which may extend to fourteen years" shall be substituted;

(b) the following proviso shall be inserted, namely:—

"Provided that the Court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than seven years.";

(iii) after sub-section (1A), the following sub-section shall be inserted, namely:—

"(1AB) Whoever, by using force, takes the firearm from the police or armed forces shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.";

(iv) in sub-section (1AA), for the words "seven years", the words "ten years" shall be substituted;

(v) in sub-section (1B),—

(a) in the long line, for the words "one year but which may extend to three years", the words "two years but which may extend to five years and shall also be liable to fine" shall be substituted;

(b) in the proviso, for the words "one year", the words "two years" shall be substituted;

(vi) after sub-section (5), the following sub-sections shall be inserted, namely:—

'(6) If any member of an organised crime syndicate or any person on its behalf has at any time has in his possession or carries any arms or ammunition in contravention of any provision of Chapter II shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

(7) Whoever on behalf of a member of an organised crime syndicate or a person on its behalf,—

(i) manufactures, obtains, procures, sells, transfers, converts, repairs, tests or proves, or exposes or offers for sale or transfer, conversion, repair, test or proof, any arms or ammunition in contravention of section 5; or

(ii) shortens the barrel of a firearm or converts an imitation firearm into a firearm or converts from any category of firearms mentioned in the Arms Rules, 2016 into any other category of firearms in contravention of section 6; or

(iii) brings into, or takes out of India, any arms or ammunition of any class or description in contravention of section 11,

shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of sub-sections (6) and (7),—

(a) "organised crime" means any continuing unlawful activity by any person, singly or collectively, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any person;

(b) "organised crime syndicate" means a group of two or more persons who, acting either singly or collectively, as a syndicate or gang indulge in activities of organised crime.

(8) Whoever involves in or aids in the illicit trafficking of firearms and ammunition in contravention of sections 3, 5, 6, 7 and 11 shall be punishable with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of this sub-section, "illicit trafficking" means the import, export, acquisition, sale, delivery, movement or transfer of firearms and ammunition into, from or within the territory of India, if the firearms and ammunition are not marked in accordance with the provisions of this Act or are being trafficked in contravention of the provisions of this Act including smuggled firearms of foreign make or prohibited arms and prohibited ammunition.

(9) Whoever uses firearm in a rash or negligent manner or in celebratory gunfire so as to endanger human life or personal safety of others shall be punishable with an imprisonment for a term which may extend to two years, or with fine which may extend to rupees one lakh, or with both.

Explanation.—For the purposes of this sub-section, "celebratory gunfire" means the practice of using firearm in public gatherings, religious places, marriage parties or other functions to fire ammunition.'

Amendment
of section 27.

10. In section 27 of the principal Act, in sub-section (3), for the words "shall be punishable with death", the words "shall be punishable with imprisonment for life, or death and shall also be liable to fine" shall be substituted.

Amendment
of section 44.

11. In section 44 of the principal Act, in sub-section (2), in clause (f),—

(a) for the words "firearm shall be stamped or otherwise shown thereon", the words "firearm or ammunition shall be stamped or otherwise shown thereon for the purposes of tracing" shall be substituted;

(b) the following *Explanation* shall be inserted, namely:—

Explanation.—For the purposes of this clause, "tracing" means the systematic tracking of firearms and ammunition from manufacturer to purchaser for the purpose of detecting, investigating and analysing illicit manufacturing and illicit trafficking;.

Sd/-

Sd/-
DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-
K. M. LALA,
Secretary to Government.



સત્યમેવ જયતે

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 7th March, 2020.

No.RPB/Act-49/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 16th December, 2019, Aghrahaayan 25, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 13th December, 2019 is hereby published for general information :-

THE RECYCLING OF SHIPS ACT, 2019

[ACT NO. 49 of 2019]

AN

[13th December, 2019]

ACT

to provide for the regulation of recycling of ships by setting certain standards and lying down the statutory mechanism for enforcement of such standards and for matters connected therewith or incidental thereto.

WHEREAS, the international Maritime Organisation adopted the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 which ensure that ships, when being recycled after the end of their operational lives, do not pose any unnecessary risk to the environment and to human health and safety;

AND WHEREAS, the said Convention was developed with inputs from International Maritime Organisation Member States, Non-Governmental Organisations and in-operation with the International Labour Organisation and the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, 1989;

AND WHEREAS, the Hong Kong Convention lays down the aspects relating to design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling, without compromising the safety and operational efficiency of ships and the establishment of an appropriate enforcement mechanism for recycling of ships;

AND WHEREAS, the said Convention contains the provisions which are not covered in the Ship-breaking Code (Revised), 2013 notified by the Government of India to regulate the recycling of ships in India;

AND WHEREAS, the said Convention lays down the multilateral framework to be followed internationally by countries which become a party to it;

AND WHEREAS, India, being a Member-State of the International Maritime Organisation, had participated in the said Convention and expressed views for the protection of environment and human health and safety during the process of recycling of ships;

AND WHEREAS, it is considered expedient to accede to the aforesaid Convention now and to have an appropriate legislation on issues relating to the recycling of ships.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Recycling of Ships Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

(3) Unless otherwise expressly provided, the provisions of this Act shall apply to—

(a) any existing ship which is registered in India wherever it may be;

(b) any new ship which is required to be registered in India, wherever it may be;

(c) ships, other than those referred to in clauses (a) and (b), that enter a port, shipyard or off-shore terminal or a place in India or within the Exclusive Economic Zone or territorial waters of India or any marine areas adjacent thereto over which India has, or may have, exclusive jurisdiction with respect to control of pollution under the provisions of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, or any other law for the time being in force;

(d) any warship, naval auxiliary or other ship owned or operated by an Administration and used on Government non-commercial service, and which is destined for recycling in a ship recycling facility operating in or within the territorial jurisdiction of India; and

(e) ship recycling facilities operating in India or within any area falling under the exclusive territorial jurisdiction of India.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "Administration" means the Government of the country whose flag the ship is entitled to fly, or under whose authority it is operating;

(b) "certificate of authorisation of ship recycling facility" means the certificate referred to in sub-section (6) of section 12;

(c) "certificate on inventory of hazardous materials" means the certificate referred to in section 8;

(d) "Competent Authority" means such Authority designated by the Central Government under section 4;

(e) "hazardous material" means any material or substance, which is liable to cause harm to human beings, other living creatures, plants, micro-organisms, property or the environment;

Short title,
commencement
and
application.

80 of 1976.

(f) "National Authority" means such Authority designated by the Central Government under section 3;

(g) "notification" means a notification published in the Official Gazette and the expressions "notify" or "notified" shall be construed accordingly;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "ready for recycling certificate" means the certificate referred to in section 16;

(j) "regulations" means the regulations made by the National Authority under this Act;

(k) "ship" means a vessel and floating structure of any type whatsoever operating or having operated in the marine environment and includes submersibles, floating craft, floating platforms, self-elevating platforms, the floating storage units, and the like;

(l) "ship owner" means—

(i) a person or an association of persons or body of individuals or a company registered as the owner of the ship;

(ii) any organisation or a person such as the Manager or the Bareboat Charterer, who has assumed the responsibility for operation of the ship from the owner of the ship;

(iii) a company, which is registered as operator and is operating a ship owned by the Government; or

(iv) a person or an association of persons or company owning the ship for a limited period pending its sale or handing over to a ship recycling facility;

(m) "Ship Recycler" means the owner of the ship recycling facility or any other organisation or person who has assumed the responsibility for operation of the ship recycling facility and who has agreed to take over all duties and responsibilities imposed by or under this Act;

(n) "ship recycling" means the activity of dismantling of a ship at a ship recycling facility in order to recover components and materials for reprocessing and reuse, while taking care of hazardous and other materials and includes associated operations such as storage, treatment of components and materials on site, but not their further processing or disposal in separate facilities;

(o) "ship recycling facility" means a defined area that is a site, yard or facility used for the recycling of ships and meets such requirements as may be specified by the regulations;

(p) "ship recycling plan" means a plan specific to a ship developed by the ship recycling facility to recycle such a ship in safe and environmentally sound manner;

(q) "statement of acceptance" means a statement of acceptance referred to in sub-section (4) of section 20;

(r) "statement of completion" means a statement of completion referred to in section 23;

(s) "Surveyor" means a Surveyor as defined under clause (48) of section 3 of the Merchant Shipping Act, 1958 or any other person or body of persons as may be notified by the Central Government;

(t) "worker" means a person employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not, in any ship recycling, or in cleaning any part of the

machinery or premises used for ship recycling, or in any other kind of work incidental to, or connected with, the ship recycling, or the subject of the ship recycling but does not include any member of the armed forces of the Union.

(2) The words and expressions used and not defined in this Act but defined in the—

(i) Explosives Act, 1884;	4 of 1884.
(ii) Inland Vessels Act, 1917;	1 of 1917.
(iii) Petroleum Act, 1934;	30 of 1934.
(iv) Factories Act, 1948;	63 of 1948.
(v) Merchant Shipping Act, 1958;	44 of 1958.
(vi) Atomic Energy Act, 1962;	33 of 1962.
(vii) Wildlife (Protection) Act, 1972;	53 of 1972.
(viii) Water (Prevention and Control of Pollution) Act, 1974;	6 of 1974.
(ix) Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976;	80 of 1976.
(x) Forest (Conservation) Act, 1980;	69 of 1980.
(xi) Air (Prevention and Control of Pollution) Act, 1981;	14 of 1981.
(xii) Environment (Protection) Act, 1986,	29 of 1986.

shall have the same meanings respectively assigned to them in those Acts.

CHAPTER II

AUTHORITIES UNDER THE ACT

Designation of
National
Authority.

3. The Central Government shall, by notification, designate an officer not below the rank of Joint Secretary to the Government of India as the National Authority, which shall administer, supervise and monitor all activities relating to ship recycling under this Act.

Designation of
Competent
Authority.

4. The Central Government shall, by notification, designate an Authority to be called the Competent Authority, for performance of such duties within the geographical area or areas of expertise as may be prescribed.

CHAPTER III

REQUIREMENTS FOR SHIPS

Non-
application of
provisions of
this Chapter.

5. Nothing contained in this Chapter shall apply to—

(a) any warship, naval auxiliary, or other ships owned or operated by the Government and used for Government non-commercial purpose;

(b) ships of less than five hundred gross tonnage:

Provided that the Central Government may notify appropriate measures, not impairing operations or operational capabilities of such ships to ensure, as far as practicable, that such ships act in a manner consistent with the provisions of this Act.

Controls on
hazardous
materials.

6. (1) No ship shall instal or use such prohibited hazardous materials as may be notified by the Central Government:

Provided that the Central Government may, by notification and for the reasons specified therein, exempt certain class or category of ships from the provisions of sub-section (1).

(2) Every ship shall comply with such restrictions and conditions, as may be prescribed.

7. (1) The National Authority or such person or organisation, as the Central Government may by notification authorise, shall carry out following surveys of the ships—

Surveys.

(a) an initial survey before the issue of certificate on inventory of hazardous materials, so as to verify such requirements as may be prescribed;

(b) a renewal survey at intervals not exceeding five years as may be prescribed;

(c) an additional survey either general or partial, at the request of the ship owner after a change, replacement or significant repair of the structure, equipment, systems, fittings, arrangements or material;

(d) a final survey prior to the ship being taken out of service and before the recycling of the ship so as to verify such requirements as may be prescribed; and

(e) such other surveys as may be prescribed.

(2) The survey shall be conducted and a certificate to this effect shall be issued in accordance with the provisions of this Act and the rules or regulations made thereunder.

8. (1) The owner of every new ship shall make an application to the National Authority for a certificate on inventory of hazardous materials for the purposes of this Act and such certificate shall be specific to each ship:

Certificate on inventory of hazardous materials.

Provided that the existing ships on the date of commencement of this Act and for which the certificate on inventory of hazardous materials had not been issued, the owner of such ship shall make an application to the National Authority within a period of five years from the date of commencement of this Act:

Provided further that a certificate on inventory of hazardous materials issued by any Administration shall be valid for the purposes of this Act.

(2) The terms and conditions, the format and the manner for granting the certificate on inventory of hazardous materials shall be such as may be prescribed.

(3) The certificate on inventory of hazardous materials shall be properly maintained and updated throughout the operational life of the ship, reflecting the new installations containing hazardous materials and relevant changes in the ship structure and equipment.

Explanation.—For the purposes of this sub-section, the expression “new installation” includes systems, equipment, insulation or other material installed on a ship after the date of coming into force of this Act.

(4) The certificate on inventory of hazardous materials shall be endorsed by the National Authority after successful completion of an additional survey conducted in accordance with clause (c) of sub-section (1) of section 7.

Explanation.—For the purposes of this section, the expressions—

(i) “existing ship” means a ship which is not a new ship;

(ii) “new ship” means a ship,—

(a) for which the building contract is placed on or after the date of coming into force of this Act; or

(b) other than the ship referred to in sub-clause (a), the keel of which is laid or which is at a similar stage of construction after six months from the date of coming into force of this Act; or

(c) which is to be delivered after thirty months from the date of coming into force of this Act,

and which is intended to be registered in India.

Validity of
certificate.

9. The certificate referred to in sub-section (1) of section 8 shall be issued or renewed for such period, not exceeding five years, as may be prescribed:

Provided that where validity of certificate on inventory of hazardous material expires at a time when a ship is not in the port in which it is to be surveyed, the Administration may extend the period of validity of such certificate and this extension shall be granted only—

(a) for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed; or

(b) in cases where it appears proper and reasonable to the Administration to do so:

Provided further that no certificate shall be extended for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival on the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having the certificate renewed.

Suspension or
cancellation
of certificate:

10. The certificate on inventory of hazardous materials shall be liable to be suspended or cancelled by the National Authority in any of the following cases, namely:—

(i) if the ship, *prima facie*, does not comply with the particulars of the certificate;

(ii) where the inventory of hazardous materials is not properly maintained and updated with such changes in the ship structure and equipment as may be prescribed;

(iii) in case of transfer of the ship to the flag of another State;

(iv) if the survey specified by the Administration is not completed within the period specified in section 7; or

(v) if endorsement of certificate does not disclose,—

(a) conduct of an additional survey as required under section 7; or

(b) extension of the validity of the certificate required under section 9:

Provided that no certificate under this section shall be suspended or cancelled unless the owner of the ship has been given an opportunity of being heard.

CHAPTER IV

SHIP RECYCLING FACILITY

Authorisation
of ship
recycling
facility.

11. No Ship Recycler shall recycle a ship, unless the ship recycling facility is authorised as per the procedure laid down in section 12.

Ship recycling
facility
management
plan and
procedure for
authorisation
of ship
recycling
facility.

12. (1) A Ship Recycler seeking a certificate of authorisation for ship recycling facility from the Competent Authority or an organisation recognised by it, shall prepare a ship recycling facility management plan as specified by the regulations and submit an application to the Competent Authority.

(2) Every application for authorisation under sub-section (1), shall be made to the Competent Authority in such form and manner and accompanied by such fee as may be prescribed.

(3) Every ship recycling facility engaged in recycling of ships, immediately before the commencement of this Act, shall apply for authorisation within sixty days from the date of such commencement.

(4) Subject to the provisions of sub-section (3), every ship recycling facility engaged in recycling of ships, immediately before the commencement of this Act shall cease to conduct any such recycling on the expiry of six months from the date of commencement of

this Act unless such ship recycling facility has applied for authorisation and is so authorised or till such application is disposed of, whichever is earlier.

(5) No ship recycling facility shall be authorised under this Act unless the Competent Authority is satisfied that such facility maintains such equipment and standards as may be specified by the regulations.

(6) The Competent Authority shall, after holding an enquiry and after satisfying itself that the applicant has complied with all the requirements of this Act and the rules and the regulations made thereunder, grant a certificate of authorisation in such format as may be specified by the regulations.

(7) If, after an enquiry and after giving to the applicant an opportunity of being heard, the Competent Authority is satisfied that the applicant has not complied with the requirements of this Act, or the rules or regulations made thereunder, it shall, for reasons to be recorded in writing, reject the application for authorisation.

(8) Every certificate of authorisation for ship recycling facility shall be valid for such period not exceeding five years as may be specified by the regulations.

(9) Every certificate of authorisation shall be renewed in such manner and after such period and on payment of such fee as may be prescribed.

(10) The Competent Authority shall undertake an annual audit of every ship recycling facility to satisfy compliance with the requirements of this Act, the rules and regulations made thereunder and forward such audit report to the National Authority.

13. (1) The Competent Authority may, whenever it considers necessary, for the reasons to be recorded in writing, conduct an enquiry or inspection of a ship recycling facility and issue a notice to the Ship Recycler to show cause as to why the authorisation of his ship recycling facility should not be suspended or cancelled for the reasons mentioned in the notice.

Suspension or
cancellation
of
authorisation.

(2) The manner of enquiry or inspection by the Competent Authority shall be such as may be specified by the regulations.

(3) If the Competent Authority is satisfied that there has been a breach of the provisions of this Act or the rules or the regulations made thereunder, it may, without prejudice to any criminal action that it may take against such Ship Recycler, suspend or cancel the authorisation of his ship recycling facility:

Provided that no such authorisation shall be suspended or cancelled without giving an opportunity of being heard in the matter to the Ship Recycler.

(4) Notwithstanding anything contained in sub-sections (1) and (2), if the Competent Authority is of the opinion that it is necessary or expedient so to do in public interest, it may, for reasons to be recorded in writing, suspend or cancel the authorisation of any ship recycling facility without issuing any notice referred to in sub-section (1).

63 of 1948. 14. Every Ship Recycler shall maintain adequate measures for emergency preparedness and response in accordance with the provisions of the Factories Act, 1948 in his ship recycling facility.

Emergency
preparedness
and response.

63 of 1948. 15. (1) Every Ship Recycler shall provide adequate measures for safety, health, training and welfare of workers in his ship recycling facility and for this purpose, the provisions of the Factories Act, 1948 shall apply.

Workers
safety,
training and
insurance.

(2) Every Ship Recycler shall provide an individual or comprehensive insurance coverage for the regular and temporary workers in such manner as may be prescribed.

CHAPTER V

PROCESS OF RECYCLING OF SHIPS

Ready for
recycling
certificate.

16. (1) The owner of a ship who intends to recycle his ship shall make an application to the National Authority for a ready for recycling certificate in such form, manner, and accompanied by such fee as may be specified by the regulations or the Administration concerned as per the procedure determined by such Administration.

(2) A ready for recycling certificate referred to in sub-section (1) may be issued after successful completion of a survey and shall be valid for a period of three months from the date of its issue:

Provided that the period of validity may be extended by the National Authority for such reasons as may be specified by the regulations or the Administration concerned as per the reasons determined by such Administration.

(3) A ready for recycling certificate shall cease to be valid, if the condition of the ship does not correspond with the particulars of the certificate.

Ship recycling
plan.

17. (1) No Ship Recycler shall recycle any ship without a ship recycling plan prepared in accordance with the guidelines issued under sub-section (2) and approved by the Competent Authority.

(2) The National Authority may specify the guidelines for the preparation of a ship recycling plan for different categories of ships:

Provided that the Competent Authority may, after hearing the Ship Recycler, refuse to approve the ship recycling plan if it has reasons to believe that the plan does not comply with the guidelines specified by the National Authority.

(3) Where the Competent Authority fails to convey its decision regarding approval of the ship recycling plan within fifteen days of its submission, the plan shall be deemed to have been approved.

General
requirements.

18. (1) No ship shall be recycled without the written permission or, as the case may be, the deemed permission of the Competent Authority obtained in such manner as may be specified by the regulations.

(2) Any ship registered in India and intended to be recycled outside the territory of India shall be recycled only at a ship recycling facility duly authorised by such authority as may be specified by the regulations.

Obligations on
part of ship
owner.

19. (1) The owner of a ship which is intended to be recycled within the territory of India shall—

(i) give an advance intimation to the Maritime Rescue Co-ordination Centre and the Competent Authority about the date of arrival, in such manner as may be prescribed;

(ii) clear all port dues, if any, upon arriving at the port and submit the documents as specified in the regulations; and

(iii) keep the ship clear of cargo residues and shall minimise any remaining fuel oil and wastes on board.

(2) The owner of a tanker which is intended to be recycled within the territory of India shall fulfil such conditions for safe-for-entry or safe-for-hotwork or both, as specified by the regulations.

Procedure for
grant of
permission for
ship recycling.

20. (1) The Competent Authority shall grant permission for recycling only after physical inspection of the ship and for this purpose it may requisition the services of representatives of such agencies as may be prescribed.

(2) Where the Competent Authority fails to convey its decision regarding grant of permission within fifteen days of receipt of application, the permission shall be deemed to have been granted.

(3) The Competent Authority may deny permission for recycling for reasons to be recorded in writing after affording an opportunity of being heard to the ship owner.

(4) The Ship Recycler, on receipt of a copy of permission to recycle the ship, shall issue a statement of acceptance to the ship owner under intimation to the Competent Authority in such form and manner as may be specified by the regulations and thereafter the ship owner may get the ship de-registered.

21. Every Ship Recycler shall,—

(a) ensure safe and environmentally sound removal and management of hazardous materials from a ship; and

(b) comply with such requirements related to basic infrastructure facilities including those related to environmentally safe disposal or management of wastes and hazardous materials, in such manner as may be specified by the regulations.

Safe and environmentally sound management of hazardous materials.

22. (1) Every Ship Recycler shall,—

(i) ensure that there is no damage caused to the environment in any form due to the recycling activities at the ship recycling facility; and

(ii) take necessary measures for protection of the environment.

Obligation on Ship Recycler to take measures for protection of environment.

(2) In case of oil spill in the facility, the Ship Recycler shall be served a notice by the Competent Authority to take remedial action in such manner as may be specified by the regulations.

(3) For contravention of the provisions of this section, the Ship Recycler shall be liable to pay such environmental damages and cleanup operation compensation in such manner as may be prescribed.

CHAPTER VI

REPORTING REQUIREMENTS

23. When a ship is recycled in accordance with the provisions of this Act, a statement of completion containing such particulars as may be specified by the regulations shall be submitted by the Ship Recycler to the Competent Authority.

Statement of completion.

24. The Competent Authority shall give report to the National Authority, from time to time, which shall include information comprising the list of approved facilities, list of ships which have not complied with the provisions of this Act and action taken on such ships and list of ships recycled, as may be required by the National Authority.

Report to National Authority.

CHAPTER VII

APPEALS

25. (1) Any person who is aggrieved by any decision made by the Competent Authority or the authorised surveyor or any authorised organisation or authorised person may file an appeal to the National Authority within a period of thirty days from the date of receipt of such decision in such manner as may be prescribed:

Appeal against decision of Competent Authority.

Provided that in respect of matters under any other law for the time being in force for which an appellate provision exists, in such law, then the appellant shall file the appeal to the authority specified in such law.

(2) The appeal filed under sub-section (1) shall be disposed of in such manner as may be prescribed.

Appeal against
decision of
National
Authority.

26. (1) Any person who is aggrieved by any decision made by the National Authority may file an appeal to the Central Government within a period of thirty days from the date of receipt of such decision in such manner as may be prescribed.

(2) The appeal filed under sub-section (1) shall be disposed of in such manner as may be prescribed.

CHAPTER VIII

POWERS AND FUNCTIONS OF NATIONAL AUTHORITY, COMPETENT AUTHORITY AND CENTRAL GOVERNMENT

Power to
search and
seize records,
etc.

27. (1) If the National Authority or the Competent Authority has reason to believe that an offence under this Act has been or is being committed at any ship recycling facility, such Authority or any officer authorised therefor in this behalf may, subject to the rules and regulations made under this Act, enter and search at all reasonable times with such assistance, if any, as such Authority or officer considers necessary, such ship recycling facility and examine any record, register, document, equipment or any other material object found therein and seize the same if such Authority or officer has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.

(2) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act. 2 of 1974.

Power to
inspect,
dismiss,
exclude or
detain a ship.

28. (1) The National Authority or Administration or any Survey authorised by it, may inspect any ship, at a reasonable time, while at any port or within Indian waters:

Provided that any such inspection shall be only for the purpose of verifying that there is on board either a certificate on inventory of hazardous materials or a ready for recycling certificate.

(2) The National Authority may dismiss, exclude or detain the ship from its ports or within Indian waters in case of,—

(a) failure to carry a valid certificate on inventory of hazardous materials or a valid ready for recycling certificate or both, as applicable; or

(b) non-compliance with the control measures for hazardous materials notified by the Central Government.

(3) A ship detained under sub-section (2) shall remain under detention till such time until the non-compliance is rectified or till such time until permission is granted by the National Authority for such detained ship to proceed to an appropriate repair yard or port, without danger to the ship, environment or persons on board.

(4) Any Commissioned Officer of the Indian Navy or Indian Coast Guard or any Port Officer, Pilot, Harbour Master, Conservator of Port or Customs Collector may detain the ship, the detention of which is authorised or ordered to be detained under this Act.

Power to
exempt.

29. (1) Notwithstanding anything contained in this Act, the Central Government may, by order in writing and upon such conditions, if any, as it may think fit to impose, exempt any vessel or any class thereof, ship recycling facility or Ship Recycler from any specified requirement contained in or prescribed in pursuance of this Act or dispense with the observance of any such requirement, if it is satisfied that the requirement has been substantially complied with or that compliance with the requirement is or ought to be dispensed within the circumstances of the case.

(2) Where an exemption granted under sub-section (1) is subject to any conditions, a breach of any of those conditions shall, without prejudice to any other remedy, be deemed to be an offence under this Act.

30. The provisions of this Act shall not apply to such category of Indian ships, as the Central Government may, from time to time, by notification specify:

Act not to apply to certain ships.

Provided that such ships shall be required to act in such manner as may be prescribed.

CHAPTER IX

OFFENCES, PENALTIES AND COMPENSATION

31. (1) Whoever instals or uses any prohibited hazardous material in a ship in contravention of the provisions of this Act or rules or regulations made thereunder shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five lakh rupees or with both.

Penalty for contravention of provisions of Act or rules or regulations.

(2) Whoever contravenes the provisions of section 12 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten lakh rupees or with both.

(3) Whoever contravenes the provisions of sub-section (1) of section 17 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten lakh rupees or with both.

(4) Whoever contravenes the provisions of sub-section (1) of section 18, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten lakh rupees or with both.

(5) Whoever fails to ensure safe and environmentally sound removal and management of any hazardous material from a ship in accordance with the regulations shall be punishable with an imprisonment for a term which may extend to six months or with fine which may extend to five lakh rupees or with both.

(6) Whoever fails to respond to the notice issued for oil spill under sub-section (2) of section 22 shall be punishable—

(i) with a fine which may extend to five lakh rupees in case of non response within twelve hours of issuance of first notice;

(ii) with a fine which may extend to ten lakh rupees in case of non response within twenty-four hours of issue of second notice; and

(iii) with an imprisonment which may extend to three months and with a fine which may extend to ten lakh rupees in case of non response beyond twenty-four hours of issue of third notice.

32. Whoever contravenes any of the provisions of this Act or any rules or regulations made thereunder, for which no specific punishment has been provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to two lakh rupees or with both and, in the case of a continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after the conviction for the first such contravention.

Penalty for contravention of provisions of this Act or rules or regulations for which no specific punishment is provided.

33. (1) If any ship, after detention or after service of any notice or order for such detention, proceeds to sea before it is released by the National Authority, the owner or master of the ship shall be guilty of an offence under this Act.

Punishment for other offences.

(2) Whoever restrains or detains or forcibly takes to sea, any person authorised under this Act to detain or survey the ship, on the execution of his duty, the owner, master or agent of such ship shall each be liable to pay all expenses of, and incidental to, such person being so taken to sea and shall also be guilty of an offence under this Act.

Offences by
companies.

34. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a co-operative society, firm or other association of individuals; and

(b) “director” means a whole time director in the company and in relation to a firm means a partner in the firm.

Offences to be
non-
cognizable,
bailable and
compoundable.

35. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 2 of 1974, every offence under this Act shall be non-cognizable, bailable and compoundable.

Cognizance of
offences.

36. No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the Central Government;

(b) the National Authority or an officer authorised in this behalf; or

(c) the Competent Authority or an officer authorised in this behalf.

Amount
payable by
owner, master
or agent.

37. When any owner or master or agent is convicted of an offence under sub-section (2) of section 33, the amount payable on account of expenses by such owner or master or agent shall be determined and recovered in such manner as may be prescribed.

Place of trial
and
jurisdiction of
court.

38. Any person committing any offence under this Act or any rules made thereunder, may be tried for such offence in any place in which he may be found, or in any Court which the Central Government may, by notification, direct in this behalf, or in any Court in which he might be tried under any other law for the time being in force.

Compensation.

39. (1) Where a ship is unduly detained or delayed as a result of an inspection or investigation without any reasonable cause, then, such ship shall be entitled to compensation for any loss or damage suffered thereby.

(2) The rate of compensation referred to in sub-section (1), the method of calculation and the manner of payment of such compensation shall be such as may be prescribed.

(3) For the purpose of adjudging compensation under this section, the Central Government may, by notification, nominate an officer of the Central Government, not below the rank of Joint Secretary to the Government of India, to be an adjudicating officer for holding an inquiry in the prescribed manner, after giving any person concerned an opportunity of being heard.

CHAPTER X

MISCELLANEOUS

40. (1) The Central Government may, by general or special order, subject to such conditions and restrictions as may be provided in such order, direct that any power, authority or jurisdiction exercisable by it under or in relation to a provision of this Act (except the power to make rules), be exercisable also by the National Authority or Competent Authority or such other officer not below the rank of Joint Secretary to the Government of India.

Delegation of powers.

(2) The National Authority or the Competent Authority may, with the previous approval of the Central Government, by general or special order, subject to such conditions and restrictions as may be provided in such order, direct that any power, authority or jurisdiction exercisable by it under or in relation to a provision of this Act (except the power to make regulations), be exercisable also by such officer or other authority as may be specified in such order.

41. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in derogation of any other law.

42. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the duties of Competent Authority within the geographical area or areas of expertise under section 4;

(b) the restrictions and conditions imposed on installation or use of any hazardous material, to be complied by every ship under sub-section (2) of section 6;

(c) the requirements to be verified for the survey of ships under clauses (a), (b) and (d) of sub-section (1) of section 7;

(d) the other conditions to be required for the survey of ships under clause (e) of sub-section (1) of section 7;

(e) the terms and conditions, validity, the format and manner for granting the certificate on inventory of hazardous materials under sub-section (2) of section 8 and section 9;

(f) the changes in ship structures and equipment under clause (ii) of section 10;

(g) the form, fees and the manner of making the application for authorisation of ship recycling facility under sub-section (2) of section 12;

(h) the manner, period and fees for renewal of certificate of authorisation under sub-section (9) of section 12;

(i) the manner of providing individual or comprehensive insurance coverage for the regular and temporary workers under sub-section (2) of section 15;

(j) the manner of advance intimation about the arrival of ship under sub-section (1) of section 19;

(k) the requisition of the services of representatives of agencies for grant of permission under sub-section (1) of section 20;

(l) the liability of the Ship Recycler for environmental damages under sub-section (3) of section 22;

(m) the manner of filing an appeal against the orders of the Competent Authority and the manner of disposal of such appeal under section 25;

(n) the manner of filing an appeal against the orders of National Authority and the manner of disposal of such appeal under section 26;

(o) the manner in which the ships are required to act for non-application of the provisions of the Act under the proviso to section 30;

(p) the manner of determination and recovery of amount payable under section 37;

(q) the rate of compensation, method of calculation and the manner of compensation entitled by a ship under sub-section (2) of section 39;

(r) the manner of holding an inquiry for the purpose of payment of compensation under sub-section (3) of section 39; and

(s) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by rules.

Power to
make
regulations.

43. (1) The National Authority with the previous approval of the Central Government, by notification in the Official Gazette, may make regulations not inconsistent with the provisions of this Act and the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the requirements relating to ship recycling facility under clause (o) of sub-section (1) of section 2;

(b) the manner of preparation of a ship recycling facility management plan under sub-section (1) of section 12;

(c) the equipment and other standards to be maintained by the Ship Recycler under sub-section (5) of section 12;

(d) the form in which a certificate of authorisation shall be issued under sub-section (6) of section 12;

(e) the period of validity of certificate of authorisation for ship recycling facility under sub-section (8) of section 12;

(f) the manner of enquiry or inspection by the Competent Authority under sub-section (2) of section 13;

(g) the manner of making an application to the National Authority for a ready for recycling certificate under sub-section (1) of section 16;

(h) the manner and format for issuing of the ready for recycling certificate under sub-section (2) of section 16;

(i) the manner of obtaining the written permission of the Competent Authority under sub-section (1) of section 18;

(j) the authority to authorise the ship recycling facility under sub-section (2) of section 18;

(k) submission of documents by ship owner under clause (ii) of sub-section (1) of section 19;

(l) the conditions for safe-for-entry or safe-for-hotwork or both under sub-section (2) of section 19;

(m) the form and manner of issue of statement of acceptance by the Ship Recycler under sub-section (4) of section 20;

(n) the requirements relating to removal and management of hazardous materials and basic infrastructure to be complied with by the Ship Recycler under clause (b) of section 21;

(o) the manner of serving of notice by the Competent Authority to a Ship Recycler in case of oil spill under sub-section (2) of section 22;

(p) the manner of submission of statement of completion by the Ship Recycler under section 23; and

(q) any other matter which is required to be, or may be, specified by regulations.

44. Every rule made by the Central Government and every regulation made by the National Authority under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying of
rules and
regulations.

45. No suit, prosecution or other legal proceeding shall lie against the Central Government or the State Government or the National Authority or the Competent Authority or any officer authorised by the Central Government or the State Government or the National Authority or the Competent Authority for anything done in good faith or intended to be done in pursuance of the provisions of this Act.

Protection of
action taken
in good faith.

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Removal of
difficulties.

Provided that no such order shall be made under this section after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Sd/-

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 7th March, 2020.

No.RPB/Act-50/2019/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE Legislative Department

New Delhi, the 20th December, 2019, Aghrahaayan 29, 1941 (Sake)

The following Act of Parliament has received the assent of the President on the 19th December, 2019 is hereby published for general information :-

THE INTERNATIONAL FINANCIAL SERVICES CENTRES AUTHORITY ACT, 2019

[ACT NO. 50 of 2019]

AN

[19th December, 2019]

ACT

to provide for the establishment of an Authority to develop and regulate the financial services market in the International Financial Services Centres in India and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the International Financial Services Centres Authority Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions

of this Act, and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Application.

2. This Act shall apply to the International Financial Services Centres set up under section 18 of the Special Economic Zones Act, 2005.

28 of 2005.

Definitions.

3. (1) In this Act, unless the context otherwise requires,—

(a) "appropriate regulator" means any financial sector regulator specified in the First Schedule to this Act;

(b) "Authority" means the International Financial Services Centres Authority established under sub-section (1) of section 4;

(c) "financial institution" means a unit set up in an International Financial Services Centre and which is engaged in rendering financial services in respect of any financial product;

(d) "financial product" means—

(i) securities;

(ii) contracts of insurance;

(iii) deposits;

(iv) credit arrangements;

(v) foreign currency contracts other than contracts to exchange one currency for another that are to be settled immediately; and

(vi) any other product or instrument that may be notified by the Central Government from time to time.

(e) "financial service" means—

(i) buying, selling, or subscribing to a financial product or agreeing to do so;

(ii) acceptance of deposits;

(iii) safeguarding and administering assets consisting of financial products, belonging to another person, or agreeing to do so;

(iv) effecting contracts of insurance;

(v) offering, managing or agreeing to manage assets consisting of financial products belonging to another person;

(vi) exercising any right associated with a financial product or financial service;

(vii) establishing or operating an investment scheme;

(viii) maintaining or transferring records of ownership of a financial product;

(ix) underwriting the issuance or subscription of a financial product;

(x) providing information about a person's financial standing or creditworthiness;

(xi) selling, providing, or issuing stored value or payment instruments or providing payment services;

(xii) making arrangements for carrying on any of the services in sub-clauses (i) to (xi);

(xiii) rendering or agreeing to render advice on or soliciting for the purposes of—

(A) buying, selling, or subscribing to, a financial product; or

(B) availing any of the services in sub-clauses (i) to (xi); or

(C) exercising any right associated with a financial product or any of the services in clauses (i) to (xi);

(xiv) any other service that may be notified by the Central Government from time to time;

42 of 1999.

(f) "foreign currency" shall have the meaning assigned to it in clause (m) of section 2 of the Foreign Exchange Management Act, 1999;

28 of 2005.

(g) "International Financial Services Centre" means an International Financial Services Centre set up, before or after the commencement of this Act, under section 18 of the Special Economic Zones Act, 2005;

(h) "Member" means a Member of the Authority and includes the Chairperson;

(i) "notification" means a notification published in the Official Gazette, and the expressions "notified" and "notify" shall be construed accordingly;

(j) "prescribed" means prescribed by rules made by the Central Government under this Act;

(k) "regulations" means the regulations made by the Authority under this Act.

(2) Words and expressions used and not defined in this Act but defined in the Acts specified under column (3) of the First Schedule to this Act shall have the meanings respectively assigned to them in those Acts.

CHAPTER II

ESTABLISHMENT OF AUTHORITY

4. (1) The Central Government shall, by notification, for the purposes of this Act, establish an Authority by the name of the International Financial Services Centres Authority.

Establishment and incorporation of Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, and subject to the provisions of this Act, with power to enter into and execute contracts, acquire, hold and dispose of property, both movable and immovable, and shall, by the said name, sue and be sued.

(3) The head office of the Authority shall be at such place as the Central Government may, by notification, decide.

(4) The Authority may, with the prior approval of the Central Government, establish its offices at other places in India or outside India.

5. (1) The Authority shall consist of the following Members, to be appointed by the Central Government, namely:—

Composition of Authority.

(a) a Chairperson;

(b) one Member each to be nominated by—

(i) the Reserve Bank of India, *ex officio*;

(ii) the Securities and Exchange Board of India, *ex officio*;

(iii) the Insurance Regulatory and Development Authority of India, *ex officio*; and

(iv) the Pension Fund Regulatory and Development Authority, *ex officio*;

(c) two Members, from amongst the officials of the Ministry dealing with Finance, to be nominated by the Central Government, *ex officio*; and

(d) two other Members to be appointed by the Central Government on the recommendation of a Selection Committee.

(2) The Chairperson shall be a whole-time Member and other Members referred to in clause (d) of sub-section (1) may be appointed as whole-time or part-time Members as the Central Government may deem fit.

(3) The Members shall be persons of ability, integrity and standing who have shown capacity in dealing with matters relating to financial sectors or have special knowledge or experience of law, finance, economics, accountancy, administration or in any other discipline which in the opinion of the Central Government, shall be useful to the Authority.

(4) The Selection Committee referred to in clause (d) of sub-section (1) shall consist of such Members and constituted by the Central Government in such manner as may be prescribed.

Terms of office and conditions of service of Chairperson and other Members.

6. (1) The Chairperson and a Member shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment:

Provided that no person shall hold office as a Chairperson after he has attained the age of sixty-five years or as a whole-time member after he has attained the age of sixty-two years.

(2) The salaries and allowances payable to, and other terms and conditions of service of, the Members, other than *ex officio* Members, shall be such as may be prescribed.

(3) Notwithstanding anything in sub-section (1), a Member may—

(a) resign from his office by giving in writing to the Central Government a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 7.

(4) No Member, other than *ex officio* Member, shall, for a period of two years from the date on which they cease to hold office as such, except with the previous approval of the Central Government, accept—

(a) any employment either under the Central Government or under any State Government; or

(b) appointment in any financial institution in the International Financial Services Centres.

Removal of Member from office.

7. The Central Government may remove from office a Member, who—

(a) is, or at any time has been, adjudged as insolvent; or

(b) has become physically or mentally incapable of acting as a Member; or

(c) has been convicted of an offence which in the opinion of the Central Government involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(e) has so abused his position so as to render his continuance in office detrimental to public interest:

Provided that no Member shall be removed from office under clause (d) or clause (e) unless he has been given a reasonable opportunity of being heard in the matter.

Meetings of Authority.

8. (1) The Authority shall meet at such times and places; and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations.

(2) The Chairperson, if for any reason, he is unable to attend a meeting of the Authority,

any other Member chosen by the Members present from amongst themselves at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the Members present and voting, and, in the event of an equality of votes, the Chairperson, or in his absence, the person presiding, shall have a casting vote.

(4) Any Member who has any direct or indirect interest in any matter likely to come up for consideration at a meeting of the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose in writing, the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority and such Member shall not take part in any deliberation or decision of the Authority with respect to that matter.

9. No act or proceeding of the Authority shall be invalid merely by reason of,—

(a) any vacancy or defect, in the constitution of the Authority; or

(b) any defect in the appointment of a person as a Member of the Authority.

Vacancies,
etc., not to
invalidate
proceedings of
Authority.

10. The Chairperson shall have the powers of general superintendence and direction in respect of all administrative matters of the Authority.

Administrative
powers of
Chairperson.

11. (1) The Authority may appoint such officers and other employees as it considers necessary for the efficient discharge of its functions under this Act.

Officers and
other
employees of
Authority.

(2) The salaries and allowances payable to, and other terms and conditions of service of, officers and other employees of the Authority appointed under sub-section (1) shall be such as may be specified by regulations.

CHAPTER III

POWERS AND FUNCTIONS OF AUTHORITY

12. (1) Subject to the provisions of this Act, it shall be the duty of the Authority to develop and regulate the financial products, financial services and financial institutions in the International Financial Services Centres, by such measures as it deems fit.

Functions of
Authority.

(2) Without prejudice to the generality of the provisions in sub-section (1), the powers and functions of the Authority shall include—

(a) regulating the financial products, financial services and financial institutions in an International Financial Services Centre which have been permitted, before the commencement of this Act, by any regulator for any International Financial Services Centre;

(b) regulating such other financial products, financial services or financial institutions in the International Financial Services Centres as may be notified by the Central Government from time to time;

(c) recommending to the Central Government such other financial products, financial services and financial institutions which may be permitted in an International Financial Services Centre by the Central Government;

(d) perform such other functions as may be prescribed.

13. (1) Notwithstanding anything contained in any other law for the time being in force, all powers exercisable by an appropriate regulator, specified under column (2) of the First Schedule, under the respective Acts as specified in the corresponding entry under column (3) of the said Schedule shall, in the International Financial Services Centres, be exercised by the Authority in so far as it relates to the regulation of the financial products, financial services or financial institutions, as the case may be.

Powers of
Authority in
relation to
financial
products,
financial
services and
financial
institutions.

(2) The Central Government may, by notification, amend the First Schedule by including therein any financial sector regulator and the law administered by it, or omitting therefrom any financial sector regulator or any law specified therein, and on the publication of such notification, such regulator and the law shall be deemed to be included in, or omitted from, the First Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

(4) For the purposes of sub-section (1), the provisions of the respective Acts specified under column (3) of the First Schedule relating to—

(a) the manner of filing an application for recognition or registration or withdrawal of recognition or registration or furnishing of information or reports;

(b) the procedure of inspection, investigation or prosecution of offences, settlement of civil and administrative proceedings, compounding or adjudication of any offence or penalty, or actions to be taken in furtherance of such inspection, investigation, or adjudication or filing of appeals arising therefrom;

(c) the determination or settlement, as the case may be, of any fee or fine or penalty or any other sum of amount or punishment for the contravention of any provisions of respective Acts specified in the First Schedule and recovery of such fine or penalty,

shall, *mutatis mutandis*, apply to financial products, financial services and financial institutions under this Act, as they apply to the financial products, financial services and financial institutions under such respective Acts.

(5) The penalties, fines, fees and settlement amounts shall be collected or realised in the foreign currency equivalent of the penalty or fine imposed.

Explanation.—The rate of exchange for computing the foreign currency equivalent to Indian rupees shall be such as are as notified by the Reserve Bank of India on the date of the order imposing the penalty or fine, as the case may be.

(6) All sums realised by way of penalties or fines under this Act shall be credited to the Consolidated Fund of India in Indian rupees.

(7) The Authority may, in addition to the above, specify by regulations the manner in which the functions may be performed by the Authority for carrying out the provisions of this section.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by
Central
Government.

14. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Fund of
Authority.

15. (1) There shall be constituted a Fund to be called the International Financial Services Centres Authority Fund and there shall be credited thereto—

(a) all grants, fees and charges received by the Authority under this Act; and

(b) all sums received by the Authority from the sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) the salaries, allowances and other remuneration of Members, officers and other employees of the Authority; and

(b) other expenses incurred by the Authority in connection with the discharge of its functions and for the purposes of this Act.

16. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. Accounts and audit.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

17. (1) The Authority shall constitute a Performance Review Committee, consisting of at least two Members of the Authority to review the functioning of the Authority, whether— Performance Review Committee.

(a) it has adhered to the provisions of the applicable laws while exercising powers or performing functions under this Act;

(b) the regulations made by the Authority to give effect to the provisions of this Act promote transparency and best practices of governance; and

(c) the Authority is managing risks to its functioning in a reasonable manner.

(2) The Performance Review Committee shall make the review under sub-section (1) at least once in every financial year, and submit a report of its findings to the Authority which shall forward a copy thereof along with action taken, if any, pursuant to such report to the Central Government within a period of three months from the date of receipt of the report.

(3) The Performance Review Committee shall maintain a system by which any person may submit to the committee, any incidence of—

(a) non-adherence of the provisions of any applicable law by the Authority;

(b) misappropriation of resources of the Authority by any person;

(c) abuse of powers of the Authority by any Member or employee of the Authority; or

(d) non-compliance of any decision of the Authority by any Member or employee of the Authority.

(4) The Authority shall make regulations governing the information to be provided to the Performance Review Committee, and the provision of adequate resources to enable the committee to discharge its functions under this section.

18. (1) The Authority shall maintain such website or any other universally accessible repository of electronic information as may be specified by regulations. Maintenance of website.

(2) All the regulations and orders issued by the Authority shall be published in its website or repository maintained under sub-section (1).

(3) The Authority shall review the quality of the website or the repository, based on international best practices, once every year and publish the report containing its findings with the annual report.

Returns and reports.

19. (1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars with regard to any proposed or existing programme for the development and regulation of the units in the International Financial Services Centres, as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Authority shall, within ninety days after the end of each financial year, submit to the Central Government, a report in such form, as may be prescribed, giving a true and full account of its activities, policies and programmes during the previous financial year.

(3) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER V

FOREIGN EXCHANGE TRANSACTIONS

Transactions in foreign currency.

20. Every transaction of financial services in an International Financial Services Centre shall be in such foreign currency as may be specified by regulations in consultation with the Central Government.

CHAPTER VI

MISCELLANEOUS

Power to issue directions.

21. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

Power of Central Government to supersede Authority.

22. (1) If at any time the Central Government is of the opinion that—

(a) on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under this Act; or

(b) the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under this Act and as a result of such default the financial position of the Authority or the administration of the Authority has deteriorated; or

(c) circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification and for reasons to be specified therein, supersede the Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) the Chairperson and other Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is

reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other Members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.

(4) The Central Government shall, as soon as may be, cause a copy of the notification issued under sub-section (1) and a full report to any action taken by it, to be laid before each House of Parliament.

23. (1) The Authority may, by general or special order in writing, delegate to any Member or officer of the Authority subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers under section 28) as it may deem necessary.

Delegation of powers.

(2) The Authority may, by a general or special order in writing, also form committees of the Members and delegate to them the powers and functions of the Authority, as may be specified by regulations.

24. The Members, officers and employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members, officers and employees of Authority to be public servants.

25. No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or its Members, officers or other employees, for anything which is done, or intended to be done, in good faith under this Act.

Protection of action taken in good faith.

26. Nothing contained in any other law or enactment for the time being in force, in relation to taxation, including the Income-tax Act, 1961, shall make the Authority liable to pay income-tax or any other tax or duty with respect to its income, services or profits or gains.

Exemption from tax.

27. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition and the manner of constitution of the Selection Committee under sub-section (4) of section 5;

(b) the salaries and allowances and other terms and conditions of service of Members under sub-section (2) of section 6;

(c) other functions to be performed by the Authority under clause (d) of sub-section (2) of section 12;

(d) the form in which the accounts and other relevant records to be maintained and annual statement of accounts to be furnished under sub-section (1) of section 16;

(e) the form and manner of furnishing of returns and statements and other particulars under sub-section (1) of section 19;

(f) the form of annual report of activities, policies and programmes under sub-section (2) of section 19;

(g) any other matter which is to be, or may be, prescribed.

45 of 1860.

43 of 1961.

Power to
make
regulations.

28. (1) The Authority may, by notification, make regulations consistent with this Act and the rules made thereunder for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the time and place of meetings and the rules of procedure in regard to transaction of business at such meetings under sub-section (1) of section 8;

(b) the salaries and allowances and other terms and conditions of service of officers and other employees of Authority under sub-section (2) of section 11;

(c) the manner in which the Authority may perform its functions under sub-section (7) of section 13;

(d) the manner of providing information to the Performance Review Committee under sub-section (4) of section 17;

(e) the maintenance of the website or any other universally accessible repository of electronic information under sub-section (1) of section 18;

(f) the foreign currency in which transaction of financial services in International Financial Services Centres may be conducted under section 20;

(g) the powers and functions of the Authority which may be delegated under sub-section (2) of section 23;

(h) any other matter which is required to be or may be, specified by regulations.

Rules and
regulations to
be laid before
Parliament.

29. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Overriding
effect.

30. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to
modify
provisions of
other
enactments in
relation to
International
Financial
Services Centres.

31. (1) The Central Government may, by notification, direct that any of the provisions of any other Central Act or any rules or regulations made thereunder or any notification or order issued or direction given thereunder (other than the provisions relating to making of the rules or regulations) specified in the notification—

(a) shall not apply to financial products, financial services or financial institutions, as the case may be, in an International Financial Services Centre; or

(b) shall apply to financial products, financial services or financial institutions, as the case may be, in an International Financial Services Centre with such exceptions, modifications and adaptations, as may be specified in the notification.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

32. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after the expiry of five years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

33. The enactments specified in the Second Schedule shall be amended in the manner specified therein.

Amendment
to certain
enactments.

34. All rules and regulations made or purporting to have been made or all notifications issued or purporting to have been issued under any Central Act relating to the financial products, financial services or financial institutions, as the case may be, shall, in so far as they relate to matters for which provision is made in this Act or the rules or regulations made or notification issued thereunder and are not inconsistent therewith, be deemed to have been made or issued under this Act as if this Act had been in force on the date on which such rules were made or notifications were issued and shall continue to be in force unless and until they are superseded by any rules or regulations made or notifications issued under this Act.

Savings.

THE FIRST SCHEDULE

[See sections 3(1)(a), 13(1), (2) and (4)]

APPROPRIATE REGULATORS

Sl.No.	Appropriate Regulator	Name of Acts
(1)	(2)	(3)
1.	The Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934).	<p>1. The Reserve Bank of India Act, 1934 (2 of 1934);</p> <p>2. The Banking Regulation Act, 1949 (10 of 1949);</p> <p>3. The Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961);</p> <p>4. The Foreign Exchange Management Act, 1999 (42 of 1999);</p> <p>5. The Credit Information Companies (Regulation) Act, 2005 (30 of 2005);</p> <p>6. The Government Securities Act, 2006 (38 of 2006);</p> <p>7. The Payment and Settlement Systems Act, 2007 (51 of 2007).</p>
2.	The Securities and Exchange Board of India established under the Securities and Exchange Board of India Act, 1992 (15 of 1992).	<p>1. The Securities Contracts (Regulation) Act, 1956 (42 of 1956);</p> <p>2. The Securities and Exchange Board of India Act, 1992 (15 of 1992);</p> <p>3. The Depositories Act, 1996 (22 of 1996).</p>
3.	The Insurance Regulatory and Development Authority of India constituted under the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999).	<p>1. The Insurance Act, 1938 (4 of 1938);</p> <p>2. The General Insurance Business (Nationalisation) Act, 1972 (57 of 1972);</p> <p>3. The Insurance Regulatory and Development Authority Act, 1999 (41 of 1999).</p>
4.	The Pension Fund Regulatory and Development Authority constituted under the Pension Fund Regulatory and Development Authority Act, 2013 (23 of 2013).	The Pension Fund Regulatory and Development Authority Act, 2013 (23 of 2013).

THE SECOND SCHEDULE

[See section 33]

AMENDMENT TO CERTAIN ENACTMENTS

PART I

AMENDMENT TO THE RESERVE BANK OF INDIA ACT, 1934

(2 OF 1934)

After section 57, the following section shall be inserted, namely:—

Insertion of
new section
after section 57.

"57A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Bank under this Act,—

Powers of
Bank not to
apply to
International
Financial
Services
Centre.

28 of 2005.

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART II

AMENDMENT TO THE INSURANCE ACT, 1938

(4 OF 1938)

After section 118, the following section shall be inserted, namely:—

Insertion of new
section after
section 118.

"118A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Authority under this Act,—

Powers of
Authority not
to apply to
International
Financial
Services
Centre.

28 of 2005.

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART III

AMENDMENT TO THE BANKING REGULATION ACT, 1949

(10 OF 1949)

After section 51, the following section shall be inserted, namely:—

Insertion of
new section
after section 51.

"51A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Reserve Bank under this Act,—

Powers of
Reserve Bank
not to apply to
International
Financial
Services
Centre.

28 of 2005.

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART IV

AMENDMENT TO THE SECURITIES CONTRACTS (REGULATION) ACT, 1956 (42 OF 1956)

Insertion of new section after section 29A.

After section 29A, the following section shall be inserted, namely:—

Powers of the Securities and Exchange Board of India not to apply to International Financial Services Centre.

"29B. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Securities and Exchange Board of India under this Act,—

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005; 28 of 2005.

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART V

AMENDMENT TO THE DEPOSIT INSURANCE AND CREDIT GUARANTEE CORPORATION ACT, 1961 (47 OF 1961)

Insertion of new section after section 43.

After section 43, the following section shall be inserted, namely:—

Powers of Reserve Bank not to apply to International Financial Services Centre.

"43A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Reserve Bank under this Act,—

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005; 28 of 2005.

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART VI

AMENDMENT TO THE GENERAL INSURANCE BUSINESS (NATIONALISATION) ACT, 1972 (57 OF 1972)

Insertion of new section after section 38.

After section 38, the following section shall be inserted, namely:—

Powers of Insurance Regulatory and Development Authority of India not to apply to International Financial Services Centre.

"38A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Insurance Regulatory and Development Authority of India under this Act,—

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005; 28 of 2005.

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART VII

AMENDMENT TO THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992
(15 OF 1992)

After section 28B, the following section shall be inserted, namely:—

Insertion of new section after section 28B.

"28C. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Board under this Act,—

Powers of Board not to apply to International Financial Services Centre.

28 of 2005.

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART VIII

AMENDMENT TO THE DEPOSITORIES ACT, 1996
(22 OF 1996)

After section 23F, the following section shall be inserted, namely:—

Insertion of new section after section 23F.

"23G. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Board under this Act,—

Powers of Board not to apply to International Financial Services Centre.

28 of 2005.

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART IX

AMENDMENT TO THE INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY ACT, 1999
(41 OF 1999)

After section 23, the following section shall be inserted, namely:—

Insertion of new section after section 23.

"23A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Authority under this Act,—

Powers of Authority not to apply to International Financial Services Centre.

28 of 2005.

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART X

AMENDMENT TO THE FOREIGN EXCHANGE MANAGEMENT ACT, 1999 (42 OF 1999)

Insertion of
new section
after section 44.

After section 44, the following section shall be inserted, namely:—

Powers of
Reserve Bank
not to apply
to
International
Financial
Services
Centre.

"44A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Reserve Bank under this Act,—

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

28 of 2005.

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART XI

AMENDMENT TO THE CREDIT INFORMATION COMPANIES (REGULATION) ACT, 2005 (30 OF 2005)

Insertion of
new section
after section 33.

After section 33, the following section shall be inserted, namely:—

Powers of
Reserve Bank
not to apply
to
International
Financial
Services
Centre.

"33A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Reserve Bank under this Act,—

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

28 of 2005.

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART XII

AMENDMENT TO THE GOVERNMENT SECURITIES ACT, 2006 (38 OF 2006)

insertion of
new section
after section 31.

After section 31, the following section shall be inserted, namely:—

Powers of
Bank not to
apply to
International
Financial
Services
Centre.

"31A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Bank under this Act,—

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

28 of 2005.

(b) shall be exercisable by the International Financial Services Centre Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART XIII

AMENDMENT TO THE PAYMENT AND SETTLEMENT SYSTEMS ACT, 2007
(51 OF 2007)

After section 34A, the following section shall be inserted, namely:—

Insertion of new
section after
section 34A.

"34B. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Reserve Bank under this Act,—

Powers of
Reserve Bank
not to apply to
International
Financial
Services
Centre.

28 of 2005.

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

PART XIV

AMENDMENT TO THE PENSION FUND REGULATORY AND DEVELOPMENT AUTHORITY ACT, 2013
(23 OF 2013)

After section 50, the following section shall be inserted, namely:—

Insertion of
new section
after section 50.

"50A. Notwithstanding anything contained in any other law for the time being in force, the powers exercisable by the Authority under this Act,—

Powers of
Authority not
to apply to
International
Financial
Services
Centre.

28 of 2005.

(a) shall not extend to an International Financial Services Centre set up under sub-section (1) of section 18 of the Special Economic Zones Act, 2005;

(b) shall be exercisable by the International Financial Services Centres Authority established under sub-section (1) of section 4 of the International Financial Services Centres Authority Act, 2019,

in so far as regulation of financial products, financial services and financial institutions that are permitted in the International Financial Services Centres are concerned."

Sd/-

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXI]

FRIDAY, MARCH 13, 2020/ PHALGUNA 23, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 11th March, 2020.

No.RPB/Constitution -104/2020/E:- The following Act of Parliament is republished for general information :-

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Legislative Department

New Delhi, the 22nd January, 2020, Margsheersh 2, 1941(Sake)

The following Act of Parliament has received the assent of the President on the 21st January, 2020 is hereby published for general information :-

THE CONSTITUTION (ONE HUNDRED AND FOURTH AMENDMENT) ACT, 2019

(AS PASSED BY THE HOUSES OF PARLIAMENT)

[Consti. 104 / 2020]

AN

[21st January, 2020]

ACT

Further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Constitution (One Hundred and Fourth Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on the 25th day of January, 2020.

2. In article 334 of the Constitution,-**Amendment
of article 334.**

(a) for the marginal heading, the following marginal heading shall be substituted, namely :-

“Reservation of seats and special representation to cease after certain period”

(b) in the long line, after clauses (a) and (b), for the words “seventy years” the words “eighty years in respect of clause (a) and seventy years in respect of clause (b)” shall be substituted.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

K. M. LALA,
Secretary to Government.
